

IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION

LARRY KLAYMAN, an individual
c/o Klayman Law Group P.A.
2020 Pennsylvania Ave NW #800
Washington, DC 20006

Plaintiff,

v.

PETER T. SANTILLI, an individual
1915 Mears Ave Apt 4
Cincinnati, OH 45230

Defendant.

COMPLAINT

I. INTRODUCTION

Plaintiff Larry Klayman (“Plaintiff Klayman”) brings this action against Defendant Peter T. Santilli (“Santilli”) for Defamation, Intentional Infliction of Emotional Distress, and Assault.

II. PARTIES

1. Plaintiff, Larry Klayman, is an attorney and public interest advocate, syndicated radio talk show host (“Special Prosecutor with Larry Klayman” on Radio America) and private attorney who practices and broadcasts in this district and nationally.

2. Defendant Santilli is an individual, citizen of Ohio and a resident of Cincinnati, Ohio. Santilli pled guilty to conspiracy to impede or injure a federal officer in the criminal prosecution stemming from a stand-off at the Cliven Bundy ranch in 2014. *See United States v. Bundy et al*, 2:16-cr-46 (D. Nev.). *See Exhibit 1*. Defendant Santilli is currently on probation for two years. *Exhibit 2*. As set forth in this Complaint, he has violated his parole and his parole officer, Thomas Barbeau, in Cincinnati, Ohio has been so informed and is now conducting an investigation of the parole violations. *See Exhibit 5*.

III. STANDING

3. Plaintiff Klayman has standing to bring this action because he has been directly affected by the unlawful conduct complained herein in this district, nationally and internationally. His severe injuries and damage are directly and proximately related to the conduct of Defendant Santilli.

IV. FACTS

4. Defendant Santilli is a radio, Skype and You Tube talk show host who hosts “*The Pete Santilli Show*,” which is published on his show’s website, his own website and on YouTube in this judicial district, nationwide, and worldwide.

5. Defendant Santilli was indicted for his alleged role and felonious actions in the 2014 standoff between federal agents and supporters of Cliven Bundy in Bunkerville, Nevada. *See United States v. Bundy et al*, 2:16-cr-46 (D. Nev.) (the “*Bundy Case*”).

6. On October 6, 2017, Defendant Santilli pled guilty to the felony of conspiracy to impede or injure a federal officer in the *Bundy Case*. Exhibit 1.

7. As a result of Defendant Santilli’s plea deal where he pled guilty to felony charges, he was sentenced to two years of supervised release (parole), which he is currently subject to. Exhibit 2. As an integral part of the plea deal, Defendant Santilli effectively agreed to testify falsely against his co-defendants, including Plaintiff Klayman’s client Cliven Bundy. During his pleas and later sentencing, Defendant Santilli also made material false statements to the Court to try, *inter alia*, to lessen his sentence. The “Standard Conditions of Supervision,” to which he must now legally adhere as a convicted felon, read in relevant part at Paragraph 8 “You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact

with that person without first getting the permission of the parole officer.” The conditions of supervision also inherently prohibit making false statements to the government, which in the case of the District of Columbia, a federal enclave, would criminally violate 18 U.S.C. 1001 and other federal and state statutes and common law. The Standard Conditions of Supervision also provide at Paragraph 12 that the convicted felon, in this case Defendant Santilli, cannot pose a risk to other persons, in this case Plaintiff Klayman and his client Dr. Jerome Corsi, as well as the inherent prohibitions to not violate the law while on probation. *Id.*

8. Defendant Santilli is now working in concert with self proclaimed “dirty trickster” and at best “Mafia admirer,” if not actual Mafia connected Roger Stone (“Stone”), who himself was not coincidentally recently indicted on seven felony charges by Special Counsel Robert Mueller (“Mueller Indictment”) as part of his “Russian Collusion” investigation for the alleged crimes of perjury, witness tampering and obstruction of justice. The indictment comprises seven different felony counts. *See Exhibit 3* (“Mueller Indictment”).

9. Specifically, the seven count Mueller Indictment against Stone involves alleged lying under oath - that is, perjury - witness tampering and obstruction of justice by threatening to kill a material witness, Randy Credico (“Credico”) and his dog if Credico did not lie to government authorities concerning his involvement with Roger Stone. Credico is Person 2 in the Mueller Indictment of Defendant Stone. *Id.* Person 1 in this Mueller Indictment is Plaintiff Klayman’s client, Dr. Jerome Corsi (“Dr. Corsi”), who was not indicted along with Stone, as he testified truthfully to the grand jury. *Exhibit 3* (“Mueller Indictment”)

10. Even before Stone was indicted on seven felony counts, he had begun a public relations campaign in this district, nationally and internationally to smear, intimidate, coerce and threaten Dr. Corsi, a material witness in the “Russian Collusion” investigation, and who is being

represented by Plaintiff Klayman. Dr. Corsi has filed a Complaint for Defamation, Intentional Infliction of Emotional Distress and Assault against Stone. *Corsi v. Stone*, 1:19-cv-324 (D.D.C). The case was assigned as related to the Honorable Amy Berman Jackson, who is presiding over the Stone prosecution and then reassigned to the Honorable Timothy J. Kelly. Exhibit 4 (“Dr. Corsi Complaint”). The facts of that Complaint are incorporated herein by reference since Defendant Santilli has been working and colluding in concert with Stone, for profit, to intimidate, coerce, threaten and harm Plaintiff Klayman’s client Dr. Corsi, as well as Mr. Klayman.

11. Dr. Corsi has been named as a material witness to Stone’s upcoming criminal prosecution – likely to occur as early as the summer of 2019 - which has prompted Stone to try to intimidate, coerce and threaten Dr. Corsi by defaming and threatening him and his defense counsel, Plaintiff Klayman, which is ironically what he was largely criminally indicted for. Defendant Santilli and Stone know that the way to compound the harm and damage Dr. Corsi is for them to also defame and threaten and harm his lawyer, Plaintiff Klayman.

12. By defaming and threatening Dr. Corsi and Plaintiff Klayman, Defendant Santilli and Stone, acting in concert as joint tortfeasors, are hoping to not only intimidate Dr. Corsi and his counsel to severely harm and damage their reputations, but also to coerce and threaten Dr. Corsi to testify falsely if subpoenaed to be called as a material witness in Stone’s ensuing criminal trial. They are also actively intimidating, coercing, and threatening Dr. Corsi’s legal counsel, Plaintiff Klayman, and thus destroying his reputation, standing and ability to practice law and conduct other professional and personal endeavors in this district in particular. They are also trying to divert funds away from Dr. Corsi’s legal defense fund, while boosting Stone’s legal defense fund.

13. As a convicted felon whose radio and internet show was nonexistent during the two years of his imprisonment in a maximum security federal prison in Nevada, Defendant Santilli is working in concert with Stone to further Stone's witness tampering and obstruction of justice to illegally boost viewership on his renewed "The Pete Santilli Show" for his own financial gain and profit. Defendant Santilli obvious objective is that publishing these false, misleading, malicious defamatory statements with regard to Dr. Corsi and Plaintiff Klayman – who are currently at the center of national media attention –will bring additional listeners to his radio show and therefore create more revenue for his financial benefit. This illegal conduct is also a violation of Defendant Santilli's parole under the applicable Standard Conditions of Supervision as Defendant Santilli's Probation Officer Thomas Barbeau has been so duly informed. Exhibit 5 – "Correspondence with Officer Barbeau."

14. On February 4, 2019, in a video published on YouTube titled *Breaking Documents Show CNN Was Tipped Off By Mueller's Office Prior to Roger Stone's Arrest*,¹ Defendant Santilli admits his ties to Stone, saying at 1:50 that he received evidence from "Mr. Stone himself" that Mueller had tipped off CNN before Stone's arrest. He also has featured Stone on his broadcasts into this district and nationally.

15. Stone likes to portray himself as Mafia, and indeed may be Mafia, frequently making reference to Mafia figures who he admires, as well as other unsavory and criminal types who have been alleged to have engaged in unethical and/or illegal behavior. He frequently makes reference to his heroes being Hyman Roth in the "Godfather," who was the movie version of Meyer Lansky, and Roy Cohn, not to mention, Richard Nixon, for his role in Watergate. In this regard, after Stone was indicted on seven felony counts, he held a press conference on the

¹ <https://www.youtube.com/watch?v=Rvo2j9QpYpE&feature=youtu.be>

courthouse steps of the federal courthouse in Ft. Lauderdale, where he previously was booked and a bond hearing held, with his arms in the air in the “victory” pose used by Nixon after he resigned in disgrace as a result of the Watergate scandal. Ironically, Stone’s “hero” Nixon was forced to leave office as the President of the United States for the same alleged crimes for which Stone was indicted; namely witness tampering and obstruction of justice. As a young staffer, not coincidentally Stone had been employed by a Nixon group called CREEP, or the Committee to Reelect the President. Defendant Stone even has a large tattoo of Richard Nixon affixed to his back. Thus, given his admiration for persons such as these, and worse Mafia figures, his actions as pled herein, in concert with Defendant Santilli, a convicted felon, must be taken seriously as threats, as well as being defamatory. Tellingly, Stone threatened to kill a material witness and his dog, Credico, Person 2 in the Mueller Indictment, “Mafia style.” Defendant Stone also fashions himself and indeed has the reputation as being the preeminent “dirty trickster.” *See* “Get Me Roger Stone” on Netflix. Stone is proud of his unsavory underworld reputation. Importantly, Stone is a person who Defendant Santilli is now literally “in bed with” and who is he criminally assisting for his own profit.

16. Defendant Santilli’s ties to the recently indicted Stone, and his working in concert with Stone to engage in witness tampering and obstruction of justice by intimidating, threatening, and defaming Dr. Corsi and Plaintiff Klayman, are per se violations of his parole. *See* Exhibits 1-3 and 5. Furthermore, as part of his efforts to defame Plaintiff Klayman, Defendant Santilli has committed perjury pursuant to 18 U.S.C. 1001 and other federal and state statutes by filing a false ethics complaint against Plaintiff Klayman before the District of Columbia Bar, which is an agency of the D.C. government, as set forth in the following section.

Again, Defendant Santilli's parole officer has been made aware of these violations and has indicated that an investigation is underway. Exhibit 5.

17. As part of his role in working in concert with Stone, Defendant Santilli has himself published a number of false, malicious, and defamatory statements concerning Plaintiff Klayman in this judicial district, nationwide, and worldwide intended to tamper with and intimidate Dr. Corsi by also attacking, defaming and threatening his lawyer.

18. Defendant Santilli, in concert with Stone, has therefore engaged in illegal witness tampering and intimidation, in violation of 18 U.S.C. § 1512 by virtue of the defamatory acts and other illegal practices as alleged herein. His false statements to the District of Columbia Bar, a government agency in a federal enclave, are crimes in violation of 18 U.S.C. 1001 and other federal and state statutes and laws.

Defendant Santilli's Defamatory Statements

19. On Defendant Santilli's websites and elsewhere, he published a copy of an ethics complaint against Plaintiff Klayman that he purportedly filed with the District of Columbia Office of Bar Disciplinary Counsel (the "ODC Complaint"). A copy of the ODC Complaint remains available on Defendant Santilli's websites and elsewhere, despite Plaintiff Klayman's demand that he take it and other false and defamatory publications down.²

20. The ODC Complaint contains numerous malicious, false and misleading defamatory statements concerning Plaintiff Klayman.

21. The ODC Complaint falsely states, *inter alia*, that Plaintiff Klayman "promised [Defendant Santilli] ... that he would file a Civil/Bivens lawsuit against federal Judge Gloria Navarro, Harry Reid, President Obama, et. al. in an attempt to get relief for our unlawful

² <https://thepetesantillishow.com/episode-1463-the-pete-santilli-show-monday-january-28-2019/>

detention without due process” but that the *Bivens* Complaint was filed by Joel Hansen and was ultimately dismissed.

22. In actuality, however, Plaintiff Klayman never had any agreement to represent Defendant Santilli in any regard, which means that Plaintiff Klayman owed Defendant Santilli none of the alleged ethical duties assigned to a lawyer-client relationship. Indeed, Defendant Santilli’s own exhibit to the ODC Complaint shows that the *Bivens* Complaint was filed only on behalf of Cliven Bundy by another lawyer, and not by Plaintiff Klayman.

23. The ODC Complaint falsely states that Plaintiff Klayman forwarded Defendant Santilli’s confidential and privileged legal strategy and discovery material to then Attorney General Jeff Sessions.

24. In actuality, Plaintiff Klayman never forwarded any such information to Mr. Sessions, and since he never had an attorney-client relationship with Defendant Santilli, even if he had done so, it would not have been privileged. Moreover, Plaintiff Klayman never forwarded anything but public information to Mr. Sessions even on behalf of his client Cliven Bundy in an attempt to get the U.S. Department of Justice to end the prosecution.

25. However, this falsehood has already been published in this district, nationally and elsewhere and Plaintiff Klayman has already suffered severe damage to his reputation. A listener to Santilli’s show commented on investigative journalist and reporter Jason Goodman’s Crowdsourcethe Truth website and other public internet postings that, “Jason, Klayman gave the FBI all the evidence in this case. Klayman played this. He gave all the exculpatory evidence to Sessions.” This is just one example which shows that Defendant Santilli’s false and defamatory publications have already damaged Plaintiff Klayman’s reputation.

26. The ODC Complaint falsely states that Plaintiff Klayman was “incompetent in the use of computers and it wasn't until right before [sic] trial that we discovered that he had not been prepared by review our exhibits. This lack of preparation for trial is ultimately one of the primary reasons why I was forced to plead out in my case....”

27. In actuality, as set forth above, Plaintiff Klayman had no attorney-client relationship with Defendant Santilli, and was under no duty or responsibility to “review discovery” on behalf of Defendant Santilli. Defendant Santilli had his own attorneys representing him with regard to the *Bundy* Case – Joshua Tomsheck and Chris Rasmussen.

28. As set forth above in paragraph 24, Defendant Santilli further published these false and misleading defamatory statements to Jason Goodman, an investigative journalist and reporter who owns and operates Crowdsourcethe Truth.

29. Defendant Santilli also published to Jason Goodman, “I’ll talk to you when Larry Klayman gets disbarred for giving my discovery to Sessions. And not being prepared for trial 30 days from trial. And not following through on lawsuits.”

30. As set forth above, these statements are malicious, defamatory, and false and misleading.

31. Through Jason Goodman, Defendant Santilli also threatens Plaintiffs Klayman, saying “This is very serious stuff that you have no clue about and when it’s all said and done, Mr. Klayman is not going to fair well. Keeping arms length should help you, not hurt you.”

32. In a January 28, 2019 video posted on Defendant Santilli’s YouTube channel titled “*Major Complaint Filed Against Jerome Corsi’s Atty Larry Klayman - Roger Stone Live*

w/Pete Santilli” Defendant Santilli makes further defamatory and threatening statements regarding Plaintiff Klayman.³ (the “YouTube Video”).

33. The YouTube Video further shows Defendant Santilli’s collaboration with the criminally indicted Stone, and it shows that Defendant Santilli is doing Stone’s criminal “dirty work” despite his parole and supervision by Officer Thomas Barbeau

34. Defendant Santilli discusses and publishes the ODC Complaint in the YouTube Video, republishing many of the same false and misleading malicious defamatory statements contained in the ODC Complaint. The totality of this broadcast is incorporated herein by reference including claims that Defendant Santilli was effectively out to destroy Plaintiff Klayman’s reputation and at 1:36 of the YouTube Video that he was ousted by the group which he founded, Judicial Watch, because of a sexual harassment complaint. In reality, Plaintiff Klayman voluntarily left Judicial Watch to run for the U.S. Senate and there was never any sexual harassment complaint. This is a complete lie. Not coincidentally, these are the same false and misleading statements which Stone has also published in this district, nationally and internationally, for which he is also being held to legally account. This is further proof that Defendant Santilli and Stone are working in concert.

35. At 1:26 of the YouTube Video, Defendant Santilli publishes, “In a predatory sense, Mr. Klayman has taken advantage of...Cliven Bundy.” Defendant Santilli later says, at 1:34. “I’m concerned about Larry Klayman exploiting Cliven Bundy as he did.” At 1:38 Defendant Santilli says “He kept taking money from Cliven Bundy and all of our supporters.”

36. These false and misleading malicious and defamatory published statements create the implication Plaintiff Klayman is dishonest, has stolen money and thus committed crimes and

³ https://www.youtube.com/watch?v=WIkpiK_Gk8A

taken advantage of his clients, when in actuality, he had successfully worked tirelessly to obtain justice for his client Cliven Bundy. In truth of fact, the indictment against Cliven Bundy, his sons and many other defendants was ultimately dismissed with prejudice. Defendant however chose to plead guilty as he did not have the courage to face trial, thus admitting his guilt in a plea agreement where he effectively agreed in an attempt to lessen his sentence for the commission of a felony, to testify against Cliven Bundy, his sons and the other defendants. As set forth below Defendant Santilli's actions, in concert with Stone, constitute defamation *per se*, where damages are presumed.

37. At 1:28 of the YouTube Video, Defendant Santilli publishes that "Klayman gave Jeff Sessions, Attorney General, our discovery package that I had prepared. I prepared a Jeff Sessions packed, prepared a presentation that Larry Klayman had promised that he was going to present to Jeff Sessions to get us some help." Defendant Santilli continues, ""Jeff sessions refused to meet with Larry Klayman and without our permission of all the Defendants, Cliven Bundy, everybody, we were shocked. Larry Klayman gave our package without our permission to Jeff sessions and our privileged legal documents were sent to the prosecution, essentially the equivalent of Robert Mueller."

38. In actuality, as set forth above, Plaintiff Klayman never forwarded ANY such information to Mr. Sessions, and since he never had an attorney-client relationship with Defendant Santilli, even if he had done so, it would not have been privileged. But it is totally false that any such package was forwarded to Mr. Sessions in any event, and Defendant Santilli, like the rest of his false statements, simply makes this up to promote his show, raise money and assist criminally indicted joint tortfeasor Roger Stone who he believes will be a springboard to his becoming a prominent and wealthy talk show host.

39. At 1:33 in the YouTube Video, Defendant Santilli falsely and maliciously published that Plaintiff Klayman committed “legal malpractice.”

40. 1:38 Defendant Santilli falsely and maliciously publishes, “Jerome Corsi is represented by a man who is already documented....as a PR guy. He was operating as a PR guy. He was filing lawsuits and he was doing that to get notoriety and fame on the backs of the Bundy Defendants.... One month prior to trial, I discovered that Mr. Larry Klayman was unprepared for trial, had not reviewed any of the exhibits, had not reviewed the months and months...of exhibits....30 days prior to trial, Mr. Klayman after having accepted I’m hearing upwards of hundreds of thousands of dollars was unprepared for trial.

41. As set forth above, Plaintiff Klayman had no attorney-client relationship with Defendant Santilli, and was under no duty or responsibility to “review discovery” on behalf of Defendant Santilli. Defendant Santilli had his own attorneys representing him with regard to the *Bundy* Case – Joshua Tomsheck and Chris Rasmussen. Plaintiff Klayman’s efforts at helping his client, Cliven Bundy, raise funds for his legal defense were on behalf of his client, Cliven Bundy. The rest of these published statements are also patently false.

42. Defendant Santilli’s false, misleading and malicious defamatory statements were published to harm and destroy Plaintiff Klayman’s reputation as an attorney and otherwise professionally and personally, and in turn, intimidate, coerce, and threaten his client, Dr. Corsi, who is likely to be subpoenaed as a material witness to testify in Stone’s criminal prosecution, Defendant Santilli’s co-conspirator and actor. This ironically constitutes and furthers the same witness tampering and obstruction of justice for which Stone has been criminally indicted, and thus Defendant Santilli, a convicted felon in his own right, is aiding and abetting Stone to commit more crimes, as well as himself committing serious crimes.

43. Defendant Santilli admitted his malicious intent on the YouTube Video, stating at 00:19, “that person’s name [Plaintiff Klayman] that everyone has come to respect because they've done a very fine job from a PR perspective in creating a... good name for themselves. I’m gonna certify as of today, unfortunately that person is not going to have as pristine of a reputation.” This conclusively shows his malicious intent to destroy Plaintiff Klayman’s reputation and severely harm him professionally and personally.

FIRST CAUSE OF ACTION
Defamation

44. Plaintiff re-alleges and incorporates by reference the allegations in the preceding paragraphs of the Complaint as if fully set forth herein.

45. Defendant Santilli published malicious, false, misleading and malicious defamatory statements of and concerning Plaintiff Klayman in this judicial district, nationwide, and worldwide.

46. This false and misleading statements were published with malice, as Defendant Santilli knew that they were false, or at a minimum acted with a reckless disregard for the truth.

47. Plaintiff Klayman has been severely harmed and damaged by these false and misleading statements because they subjected him to hatred, distrust, ridicule, contempt, and disgrace.

48. Plaintiff Klayman has been severely harmed and damaged by these false statements because they injured Plaintiff Klayman in his profession and business as a public interest and private lawyer, and personally.

SECOND CAUSE OF ACTION
Defamation Per Se

49. Plaintiff re-alleges and incorporates by reference the allegations in the preceding

paragraphs of the Complaint as if fully set forth herein.

50. Defendant Santilli, as alleged herein, published numerous malicious false, misleading and defamatory statements to severely harm and damage Plaintiff Klayman, which were republished in this district and nationally and elsewhere. The maliciously published falsities were that Plaintiff Klayman has committed crimes and engaged in moral turpitude, as set forth in the preceding paragraphs.

51. These malicious false, misleading defamatory statements were published in this district and on the internet in this district, nationally and for the entire world to see and hear. These malicious published statements contained false and misleading facts, *inter alia*, that Plaintiff's conduct, characteristics or a condition is incompatible with the proper exercise of his lawful business, trade, profession or office.

52. These threatening false and misleading statements were published with malice, as Defendant Santilli knew that they were false and misleading, and/or at a minimum acted with a reckless disregard for the truth.

53. This malicious statements are *per se* defamatory because they falsely accuse Plaintiff Klayman of sexual harassment and a related complaint - thereby falsely imputing a criminal offense upon Plaintiff Klayman - and him being "ousted" as the chairman and general counsel of Judicial Watch over this, as well as the other false and misleading published statements alleged herein, such as stealing monies.

54. These malicious false, misleading, and defamatory statements are defamatory *per se* and these false and misleading statements severely harmed and damaged Plaintiff Klayman in his profession and business as a lawyer and advocate, as they concern conduct and characteristics

incompatible with being a lawyer and defamed him personally in his private life and trade.

Damage is presumed by law when defamation *per se* is shown.

THIRD CAUSE OF ACTION

Defamation by Implication

55. Plaintiff re-alleges and incorporates by reference the allegations in the preceding paragraphs of the Complaint as if fully set forth herein.

56. Defendant Santilli published numerous malicious false, misleading and defamatory statements about Plaintiff Klayman, as set forth in the preceding paragraphs.

57. These malicious and threatening false, misleading and defamatory statements were published on the internet in this district, nationally and republished elsewhere in this district, nationally and for the entire world to see and hear.

58. These false and misleading threatening and intentionally destructive statements were published with malice, as Defendant Santilli knew that they were false and misleading, and/or at a minimum acted with a reckless disregard for the truth.

59. These statements created the malicious false and misleading implication that Plaintiff Klayman has been the subject of a sexual harassment complaint and committed criminal sexual offenses and stole monies, among the myriad of other malicious false and misleading threatening and intentionally destructive statements as pled in the preceding paragraphs.

60. Plaintiff Klayman has been severely harmed and damaged by these malicious false and misleading threatening and intentionally destructive statements because they subject him to hatred, distrust, ridicule, contempt, and disgrace.

61. Plaintiff Klayman has been damaged by these malicious false and misleading threatening and intentionally destructive statements because the statements severely harmed and

damaged Plaintiff Klayman in his profession and business as a public advocate and personally, as pled herein.

FOURTH CAUSE OF ACTION
Intentional Infliction of Emotional Distress

62. Plaintiff re-alleges and incorporates by reference the allegations in the preceding paragraphs of the Complaint as if fully set forth herein.

63. Defendant Santilli engaged in extreme and outrageous conduct by coercing and threatening Plaintiff Klayman, in a similar manner that his co-conspirator Stone has used to make death threats to at least one material witness involved in Special Counsel Mueller's Russian collusion investigation, such as Person 2 in the Mueller Indictment, Randy Credico. Exhibit 3 ("Mueller Indictment"). Stone has also threatened Plaintiff Klayman's client Dr. Jerome Corsi, as pled in the Complaint attached as Exhibit 4.

64. Defendant Santilli knowingly and intentionally threatened Plaintiff Klayman and his client Dr. Corsi, in concert with Stone. Exhibit 4.

65. The threats issued by Defendant Santilli are credible, as they are made in concert with Stone, who portrays himself as and may be a "mafia" figure, as set forth above.

66. Plaintiff Klayman did not consent to Defendant Santilli's conduct.

67. Defendant Santilli's extreme and outrageous conduct directly caused Plaintiff Klayman severe emotional distress and resulting severe harm and damage.

FIFTH CAUSE OF ACTION
Assault

68. Plaintiff re-alleges and incorporates by reference the allegations in the preceding paragraphs of the Complaint as if fully set forth herein.

69. Defendant Santilli placed Plaintiff Klayman in apprehension of an imminent harmful or offensive contact and physical harm and death, by coercing and threatening Plaintiff Klayman, in a similar manner that his co-conspirator Stone has used to make death threats to at least one material witness involved in Special Counsel Mueller's Russian collusion investigation, such as Person 2 in the Mueller Indictment, Randy Credico. Exhibit 3.

70. The threats issued and the outright ferocity of the malicious false and defamatory statements by Defendant Santilli intended to destroy Plaintiff Klayman professionally and personally are credible as set forth in paragraph 31 herein and elsewhere in this Complaint, as they are made in concert with Stone, who portrays himself as and may indeed be a "mafia" figure, as set forth above. Indeed, Defendant Santilli's conviction relates to using physical violence against federal officers and thus there is a prior pattern and practice of making physical and other threats to law enforcement officers. Plaintiff Klayman, a former federal prosecutor and the founder of Judicial Watch and Freedom Watch, is an officer of the court and has a history as a law enforcement officer.

71. Plaintiff Klayman did not consent to Defendant Santilli's conduct.

72. As a direct and proximate result of Defendant Santilli's wrongful and malicious conduct, Plaintiff Klayman suffered conscious pain, suffering, severe emotional distress and the fear of imminent serious bodily injury or death, particularly given Defendant Santilli's association and concerted actions with Stone, and other mental and physical injuries.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Klayman prays for relief and judgment against Defendant Santilli as follows:

a. Awarding Plaintiff Klayman compensatory and actual including consequential and

incidental and punitive damages in excess of \$ 15,000,000 million U.S. Dollars or in an amount to be determined by the jury.

- b. Awarding Plaintiff Klayman attorney's fees and costs.
- c. Granting any further relief as the Court deems appropriate including preliminary and permanent injunctive relief.

Plaintiff Klayman demands a jury trial on all counts so triable.

DATED: February 9, 2019

Respectfully submitted,

/s/ Larry Klayman

Larry Klayman, Esq.
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Plaintiff Pro Se

EXHIBIT 1

UNITED STATES DISTRICT COURT

District of Nevada

UNITED STATES OF AMERICA

v.

PETER T. SANTILLI, JR.

true name

Peter T. Santilli

JUDGMENT IN A CRIMINAL CASE

Case Number: 2:16-cr-00046-GMN-PAL-5

USM Number: 79401-065

Chris T. Rasmussen, CJA

Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) 2 of the Superseding Indictment (ECF No. 27)☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

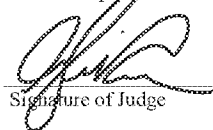
<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 USC § 372	Conspiracy to Impede or Injure a Federal Officer	3/2/2016	2

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.☐ The defendant has been found not guilty on count(s) _____☒ Count(s) all remaining ☐ is ☒ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

9/11/2018

Date of Imposition of Judgment



Signature of Judge

Gloria M. Navarro, Chief Judge U.S. District Court

Name and Title of Judge

September 16, 2018

Date

DEFENDANT: PETER T. SANTILLI, JR. true name Peter T. Santilli
CASE NUMBER: 2:16-cr-00046-GMN-PAL-5

IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of:

TIME SERVED

☐ The court makes the following recommendations to the Bureau of Prisons:

☐ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____.

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____.

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
a _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: PETER T. SANTILLI, JR. true name Peter T. Santilli

CASE NUMBER: 2:16-cr-00046-GMN-PAL-5

SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term of : TWO (2) YEARS

MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court, not to exceed 104 tests annually.
☐ The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. ☐ You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
5. ☒ You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
6. ☐ You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
7. ☐ You must participate in an approved program for domestic violence. *(check if applicable)*

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

DEFENDANT: PETER T. SANTILLI, JR. true name Peter T. Santilli
CASE NUMBER: 2:16-cr-00046-GMN-PAL-5

STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: www.uscourts.gov.

Defendant's Signature _____

Date _____

DEFENDANT: PETER T. SANTILLI, JR. true name Peter T. Santilli
CASE NUMBER: 2:16-cr-00046-GMN-PAL-5

SPECIAL CONDITIONS OF SUPERVISION

1. No Contact – You must not communicate, or otherwise interact, with victims, witness or co-defendants in this case, either directly or through someone else, without first obtaining the permission of the probation office.
2. Search and Seizure - You must submit your person, property, house, residence, vehicle, papers, computers (as defined in 18 U.S.C. § 1030(e)(1)), other electronic communications or data storage devices or media, or office, to a search conducted by a United States Probation Officer. Failure to submit to a search may be grounds for revocation of release. You must warn any other occupants that the premises may be subject to searches pursuant to this condition.

The probation officer may conduct a search under this condition only when reasonable suspicion exists that you have violated a condition of supervision and that the areas to be searched contain evidence of this violation. Any search must be conducted at a reasonable time and in a reasonable manner.

DEFENDANT: PETER T. SANTILLI, JR. true name Peter T. Santilli
CASE NUMBER: 2:16-cr-00046-GMN-PAL-5

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>JVTA Assessment*</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 100.00	\$	\$	\$

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss**</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>

TOTALS \$ _____ \$ _____

☐ Restitution amount ordered pursuant to plea agreement \$ _____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: PETER T. SANTILLI, JR. true name Peter T. Santilli
CASE NUMBER: 2:16-cr-00046-GMN-PAL-5

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A ☒ Lump sum payment of \$ 100.00 due immediately, balance due
- ☐ not later than _____, or
☐ in accordance with ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

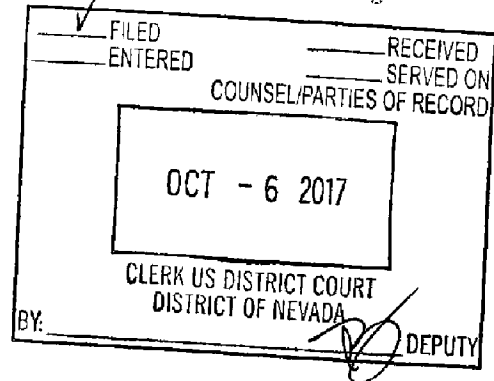
☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) J/TA assessment, (8) penalties, and (9) costs, including cost of prosecution and court costs.

EXHIBIT 2



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Attorneys for the United States

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

PETER T. SANTILLI,

Defendant.

2:16-cr-00046-GMN-PAL

PLEA AGREEMENT

The United States, by and through the undersigned, and the defendant, PETER T. SANTILLI, and his attorney, Chris Rasmussen, respectfully submit this Plea Agreement under Fed. R. Crim. P. 11(c)(1)(A) and (B).

I. SCOPE OF AGREEMENT

The parties to this Plea Agreement are the United States of America and the defendant, PETER T. SANTILLI. This Plea Agreement binds the defendant and the United States Attorney's Office for the District of Nevada. It does not bind any other prosecuting, administrative, or regulatory authority, the United States Probation

1 Office, or the Court.

2 The Plea Agreement sets forth the parties' agreement regarding criminal
3 charges referenced in the Plea Agreement and applicable sentences, fines,
4 restitution and forfeiture. It does not control or prohibit the United States or any
5 agency or third party from seeking any other civil or administrative remedies
6 directly or indirectly against the defendant.

7 **II. DISPOSITION OF CHARGES AND WAIVER OF TRIAL RIGHTS**

8 A. Guilty Plea. The defendant knowingly and voluntarily agrees to plead
9 guilty to Count Two of the Superseding Indictment filed on March 2, 2016, charging
10 Conspiracy to Impede or Injure a Federal Officer, in violation of Title 18, United
11 States Code, Sections 372.

12 B. Waiver of Trial Rights. The defendant acknowledges that he has been
13 advised and understands that by entering a plea of guilty he is waiving -- that is,
14 giving up -- certain rights guaranteed to all defendants by the laws and the
15 Constitution of the United States. Specifically, the defendant is giving up:

16 1. The right to proceed to trial by jury on all charges, or to a trial
17 by a judge if the defendant and the United States both agree;

18 2. The right to confront the witnesses against the defendant at trial
19 and to cross examine them;

20 3. The right to remain silent at such a trial, with assurance that his
21 silence could not be used against him in any way;

22 4. The right to testify in his own defense at such a trial if he so
23 chooses;

1 5. The right to compel witnesses to appear at such a trial and testify
2 in the defendant's behalf; and

3 6. The right to have the assistance of an attorney at all stages of
4 such proceedings.

5 C. Withdrawal of Guilty Plea. The defendant will not seek to withdraw
6 his guilty plea after he has entered it in court.

7 D. Dismissal of Charges. After the Court has adjudged a sentence in this
8 case, the government will move to dismiss all remaining charges in the Superseding
9 Indictment.

10 E. Additional Charges. The United States agrees not to bring any
11 additional charges against the defendant arising out of the investigation in the
12 District of Nevada which culminated in this Plea Agreement or for conduct known
13 to the United States at the time of this Agreement.

14 **III. ELEMENTS OF THE OFFENSE**

15 The elements of Conspiracy to Impede or Injure a Federal Officer in violation
16 of Title 18, United States Code, Section 372 are as follows:

17 1. From on or about March 28, 2014, to on or about March 2, 2016, there was
18 an agreement between two or more persons to:

19 a. prevent, by force, intimidation, or threats, federal law enforcement
20 officers from discharging the duties of their office under the United
21 States, or

22 b. induce, by force, intimidation, or threats, any federal law
23 enforcement officer of the United States to leave the place where

1 their duties were required to be performed; and

- 2 2. That the defendant became a member of the conspiracy knowing of at least
3 one of its objects and intending to help accomplish it.

4 **IV. FACTS SUPPORTING GUILTY PLEA**

5 A. The defendant will plead guilty because he is, in fact and under the law,
6 guilty of the crime charged.

7 B. The defendant acknowledges that if he elected to go to trial instead of
8 pleading guilty, the United States could prove his guilt beyond a reasonable doubt.
9 The defendant further acknowledges that his admissions and declarations of fact set
10 forth below satisfy every element of the charged offense.

11 C. The defendant waives any potential future claim that the facts he
12 admitted in this Plea Agreement were insufficient to satisfy the elements of the
13 charged offense.

14 D. The defendant admits and declares under penalty of perjury that the
15 facts set forth below are true and correct:

- 16 1. Beginning on or around March 28, 2014, federal law enforcement officers from
17 the United States Department of Interior, Bureau of Land Management and
18 National Park Service were engaged in the official duties of executing federal
19 court orders to remove and impound cattle trespassing upon federal public
20 lands in and around Bunkerville, Nevada, the cattle belonging to Cliven
21 Bundy, a local rancher.
- 22 2. Defendant Santilli knew that Cliven Bundy and his sons, Ammon, Dave, Mel,
23 and Ryan, (collectively, "the Bundys"), and others associated with them,
planned to thwart, impede and interfere with impoundment operations.
3. On April 9, 2014, Defendant Santilli used force to prevent officers from
discharging their duties by using his vehicle to block BLM law enforcement

1 officers and civilian employees as they were performing their duties related to
2 the impoundment.

3 4. Defendant Santilli drove his vehicle straight toward a BLM law enforcement
4 officer's vehicle, preventing the officer and the rest of the convoy behind him
5 from being able to move forward.

6 5. The officer ordered Defendant Santilli to move out of the way but Defendant
7 Santilli continued to block the convoy's path. Defendant Santilli finally
8 reversed his vehicle out of the path of the convoy only after the officer repeated
9 the command several times.

10 6. By using force to block the convoy, Defendant Santilli allowed others to
11 surround the convoy and threaten the occupants of the vehicles by force
12 violence and fear, inducing the officers to leave the place where their duties
13 were required to be performed.

14 7. Defendant Santilli acknowledges that all of the above took place within the
15 State and Federal District of Nevada.

12 **V. COLLATERAL USE OF FACTUAL ADMISSIONS**

13 The facts set forth in Section IV of this Plea Agreement shall be admissible
14 against the defendant under Fed. R. Evid. 801(d)(2)(A) at sentencing for any purpose.
15 If the defendant does not plead guilty or withdraws his guilty pleas, the facts set
16 forth in Section IV of this Plea Agreement shall be admissible at any proceeding,
17 including a trial, for impeaching or rebutting any evidence, argument or
18 representation offered by or on the defendant's behalf. The defendant expressly
19 waives all rights under Fed. R. Crim. P. 11(f) and Fed. R. Evid. 410 regarding the
20 use of the facts set forth in Section IV of this Plea Agreement.

21 **VI. APPLICATION OF SENTENCING GUIDELINES PROVISIONS**

22 A. Discretionary Nature of Sentencing Guidelines. The defendant
23

acknowledges that the Court must consider the United States Sentencing Guidelines (“USSG” or “Sentencing Guidelines”) in determining the defendant’s sentence, but that the Sentencing Guidelines are advisory, not mandatory, and the Court has discretion to impose any reasonable sentence up to the maximum term of imprisonment permitted by statute.

B. Offense Level Calculations. The parties stipulate to the following calculation of the defendant’s offense level under the Sentencing Guidelines, acknowledge that these stipulations do not bind the Court, and agree that they will not seek to apply any other specific offense characteristics, enhancements or reductions under the Sentencing Guidelines:

Base offense level (USSG §§ 2X1.1, 2A2.4(a))	10
Special Offense Characteristics	
Official victim (USSG § 3A1.2(b))	+6
Offense was calculated to influence or affect the conduct of the government by intimidation or coercion (USSG § 3A1.4, comment n. 4))	+5
Adjusted Offense Level	21
Acceptance (USSG §§ 3E1.1(a) and (b))	(2)
Total Adjusted Offense Level	19
Variance for Timely Resolution	(4)
Total Offense Level	<u>15</u>

The defendant acknowledges that the statutory maximum sentence and any statutory minimum sentence limit the Court’s discretion in determining the defendant’s sentence notwithstanding any applicable Sentencing Guidelines provisions.

1 C. Reduction of Offense Level for Acceptance of Responsibility. Under
2 USSG § 3E1.1(a), the United States will recommend that the defendant receive a
3 two-level downward adjustment for acceptance of responsibility unless he (a) fails to
4 truthfully admit facts establishing a factual basis for the guilty plea when he enters
5 the plea; (b) fails to truthfully admit facts establishing the amount of restitution
6 owed when he enters his guilty plea; (c) fails to truthfully admit facts establishing
7 the forfeiture allegations when he enters his guilty plea; (d) provides false or
8 misleading information to the United States, the Court, Pretrial Services, or the
9 Probation Office; (e) denies involvement in the offense or provides conflicting
10 statements regarding his involvement or falsely denies or frivolously contests
11 conduct relevant to the offense; (f) attempts to withdraw his guilty plea; (g) commits
12 or attempts to commit any crime; (h) fails to appear in court; or (i) violates the
13 conditions of pretrial release. These Sentencing Guidelines provisions, if applied,
14 will result in a total adjusted offense level of 15, as stated above.

15 D. Variance Outside Advisory Guidelines Under 18 U.S.C. § 3553. As
16 consideration for the defendant's timely resolution of a complex, multi-defendant
17 matter, which allows the government to conserve and efficiently use its resources,
18 the parties agree to a four-level reduction to the adjusted offense level as a variance
19 outside the USSG Guideline System under Title 18, United States Code, Section
20 3553. The variance is based on the defendant's willingness to resolve the case as
21 seven defendants head to a joint trial, resulting in substantial savings of time and
22 expense to the United States government. If applied, this adjustment will result in
23 a Total Offense Level of 15, as delineated above.

1 E. Criminal History Category. The defendant acknowledges that the
2 Court may base its sentence in part on his criminal record or criminal history and
3 that the Court will determine the defendant's Criminal History Category under the
4 Sentencing Guidelines.

5 F. Relevant Conduct. The Court may consider all relevant conduct,
6 whether charged or uncharged, in determining the applicable Sentencing Guidelines
7 range and whether to depart from that range.

8 G. Additional Sentencing Information. The stipulated Sentencing
9 Guidelines calculations are based on information now known to the parties. The
10 parties may provide additional information to the United States Probation Office
11 and the Court regarding the nature, scope, and extent of the defendant's criminal
12 conduct and any aggravating or mitigating facts or circumstances. Good faith efforts
13 to provide truthful information or to correct factual misstatements shall not be
14 grounds for the defendant to withdraw his guilty plea.

15 The parties further agree that other than the stipulated guidelines
16 calculations, neither party will argue for additional adjustments, enhancements, or
17 departures under the Sentencing Guidelines. The defendant, however, is free to
18 argue for further variances from the Guideline calculations under Title 18, United
19 States Code, Section 3553.

20 The defendant acknowledges that the United States Probation Office may
21 calculate the Sentencing Guidelines differently and may rely on additional
22 information it obtains through its investigation. The defendant also acknowledges
23 that the Court may rely on this and other additional information as it calculates the

1 Sentencing Guidelines range and makes other sentencing determinations as
2 appropriate, and that the Court's reliance on such information shall not be grounds
3 for the defendant to withdraw his guilty plea.

4 **VII. APPLICATION OF SENTENCING STATUTES**

5 A. Maximum Penalty. Count 2: The maximum penalty for Conspiracy to
6 Impede or Injure a Federal Officer under 18 U.S.C. § 372 is 6 years imprisonment, a
7 fine of \$250,000, or both.

8 B. Factors Under 18 U.S.C. § 3553. The Court must consider the factors
9 set forth in 18 U.S.C. § 3553(a) in determining the defendant's sentence. However,
10 the statutory maximum sentence and any statutory minimum sentence limit the
11 Court's discretion in determining the defendant's sentence.

12 C. Parole Abolished. The defendant acknowledges that his prison
13 sentence cannot be shortened by early release on parole because parole has been
14 abolished.

15 D. Supervised Release. In addition to imprisonment and a fine, the
16 defendant will be subject to a term of supervised release not greater than three (3)
17 years. 18 U.S.C. § 3583(b)(1). Supervised release is a period of time after release
18 from prison during which the defendant will be subject to various restrictions and
19 requirements. If the defendant violates any condition of supervised release, the
20 Court may order the defendant's return to prison for all or part of the term of
21 supervised release, which could result in the defendant serving a total term of
22 imprisonment greater than the statutory maximum prison sentence.

23 E. Special Assessment. The defendant will pay a \$100 special assessment

1 per count at the time of sentencing.

2 **VIII. POSITIONS REGARDING SENTENCE**

3 The parties agree that as a part of the sentence in this case, the parties will
4 jointly recommend at the time of sentencing a sentence of imprisonment for a period
5 of the time served measured from January 26, 2016, either as a USSG Guideline
6 Sentence, a sentence under Title 18, United States Code, Section 3553(a), or both.
7 The parties further agree to jointly recommend a period of supervised release of
8 three years to follow the sentence of imprisonment imposed by the Court.

9 The defendant acknowledges that the Court does not have to follow this
10 recommendation.

11 **IX. RESTITUTION**

12 The parties agree that restitution is not mandatory based on the crime to
13 which he has pleaded guilty. As a further part of this plea agreement, the
14 government does not intend to seek non-mandatory restitution in connection with
15 the events giving rise to the Superseding Indictment.

16 **X. FORFEITURE**

17 The government agrees to dismiss any forfeiture counts following imposition
18 of sentence in this case and will not pursue any forfeiture in connection with the
19 events giving rise to the Superseding Indictment.

20 **XI. FINANCIAL INFORMATION AND DISPOSITION OF ASSETS**

21 Before or after sentencing, or upon request by the Court, the United States,
22 or the Probation Office, the defendant will provide accurate and complete financial
23 information, submit sworn statements, and/or give depositions under oath

1 concerning his assets. The defendant will release such funds and property under his
2 control in order to pay any assessment and/or fine imposed by the Court.

3 **XII. RELEASE PENDING IMPOSITION OF SENTENCE**

4 As of the date of this Agreement, the defendant remains subject to an Order
5 of pretrial detention. Following the entry of defendant's pleas of guilty pursuant to
6 the terms of this agreement, the government will recommend to the Court that the
7 defendant be released from pretrial detention on his own recognizance pending the
8 imposition of sentence and subject to an Order of Release that includes, but is not
9 limited to, the following agreed upon terms and conditions:

- 10 1. The defendant will not violate any federal, state or local law.
- 11 2. The defendant must immediately advise the court, defense
12 counsel, and the U.S. Attorney in writing before changing
address or telephone number.
- 13 3. The defendant must appear in court as required.
- 14 4. The defendant must report to a United States Pretrial
Services Office as directed.
- 15 5. The defendant must actively seek and/or maintain employment
16 and notify U.S. Pretrial Services before making any change in
employment.
- 17 6. The defendant will not use or possess any illegal or controlled
18 substances and will not knowingly associate or reside with
anyone who does.
- 19 7. The defendant will submit to drug/alcohol testing as directed by
20 U.S. Pretrial Services.
- 21 8. The defendant will not possess a firearm, destructive device, or
22 other dangerous weapon.
- 23 9. The defendant will not travel outside the State and Federal
District of Nevada except as approved by U.S. Pretrial Services
and with notice to the United States Attorney's Office.

10. The defendant will surrender any passport to U.S. Pretrial Services and will not obtain any passport or other travel documents.

The defendant understands that the Court is not bound by the recommendation of the government regarding pretrial release and is free either to continue detention or impose such other terms and conditions of release as it deems appropriate under the circumstances.

XIII. THE DEFENDANT'S ACKNOWLEDGMENTS AND WAIVERS

A. Plea Agreement and Decision to Plead Guilty. The defendant acknowledges that:

1. He has read this Plea Agreement and understands its terms and conditions;

2. He has had adequate time to discuss this case, the evidence, and this Plea Agreement with his attorney;

3. He has discussed the terms of this Plea Agreement with his attorney;

4. The representations contained in this Plea Agreement are true and correct, including the facts set forth in Section IV; and

5. He was not under the influence of any alcohol, drug, or medicine that would impair his ability to understand the Agreement when he considered signing this Plea Agreement and when he signed it.

The defendant understands that he alone decides whether to plead guilty or go to trial, and acknowledges that he has decided to enter his guilty plea knowing of the charges brought against him, his possible defenses, and the benefits and possible

1 detriments of proceeding to trial. The defendant also acknowledges that he decided
2 to plead guilty voluntarily and that no one coerced or threatened him to enter into
3 this Plea Agreement.

4 B. Waiver of Appeal and Post-Conviction Proceedings. The defendant
5 knowingly and expressly waives: (a) the right to appeal any sentence imposed within
6 or below the applicable Sentencing Guideline range as determined by the Court; (b)
7 the right to appeal the manner in which the Court determined that sentence on the
8 grounds set forth in 18 U.S.C. § 3742; and (c) the right to appeal any other aspect of
9 the conviction or sentence and any order of restitution or forfeiture.

10 The defendant also knowingly and expressly waives all collateral challenges,
11 including any claims under 28 U.S.C. § 2255, to his conviction, sentence, and the
12 procedure by which the Court adjudicated guilt and imposed sentence, except non-
13 waivable claims of ineffective assistance of counsel.

14 The defendant reserves only the right to appeal any portion of the sentence
15 that is an upward departure from the Sentencing Guidelines range determined by
16 the Court.

17 The defendant acknowledges that the United States is not obligated or
18 required to preserve any evidence obtained in the investigation of this case.

19 C. Removal/Deportation Consequences. The defendant understands and
20 acknowledges that if he is not a United States citizen, then it is highly probable that
21 he will be permanently removed (deported) from the United States as a consequence
22 of pleading guilty under the terms of this Plea Agreement. The defendant has also
23 been advised if his conviction is for an offense described in 8 U.S.C. § 1101(a)(43), he

1 will be deported and removed from the United States and will not be allowed to
2 return to the United States at any time in the future. The defendant desires to plead
3 guilty regardless of any immigration consequences that may result from his guilty
4 plea, even if the consequence is automatic removal from the United States with no
5 possibility of returning. The defendant acknowledges that he has specifically
6 discussed these removal/deportation consequences with his attorney.

XIV. ADDITIONAL ACKNOWLEDGMENTS

This Plea Agreement resulted from an arms-length negotiation in which both parties bargained for and received valuable benefits in exchange for valuable concessions. It constitutes the entire agreement negotiated and agreed to by the parties. No promises, agreements or conditions other than those set forth in this agreement have been made or implied by the defendant, the defendant's attorney, or the United States, and no additional promises, agreements or conditions shall have any force or effect unless set forth in writing and signed by all parties or confirmed on the record before the Court.

STEVEN W. MYHRE
Acting United States Attorney

10-6-17
DATE

NADIA J. AHMED
DANIEL R. SCHIESS
Assistant United States Attorneys
ERIN M. CREEGAN
Special Assistant United States Attorney

10/6/17
DATE

CHRIS RASMUSSEN
Counsel for Defendant

10-6-17
DATE

PETER T. SANTILLI
Defendant

EXHIBIT 3

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

ROGER JASON STONE, JR.,

Defendant.

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*
*

CRIMINAL NO.

Grand Jury Original

18 U.S.C. §§ 1001, 1505, 1512, 2

INDICTMENT

The Grand Jury for the District of Columbia charges:

Introduction

1. By in or around May 2016, the Democratic National Committee (“DNC”) and the Democratic Congressional Campaign Committee (“DCCC”) became aware that their computer systems had been compromised by unauthorized intrusions and hired a security company (“Company 1”) to identify the extent of the intrusions.
2. On or about June 14, 2016, the DNC—through Company 1—publicly announced that it had been hacked by Russian government actors.
3. From in or around July 2016 through in or around November 2016, an organization (“Organization 1”), which had previously posted documents stolen by others from U.S. persons, entities, and the U.S. government, released tens of thousands of documents stolen from the DNC and the personal email account of the chairman of the U.S. presidential campaign of Hillary Clinton (“Clinton Campaign”).

- a. On or about July 22, 2016, Organization 1 released documents stolen from the DNC.
 - b. Between on or about October 7, 2016 and on or about November 7, 2016, Organization 1 released approximately 33 tranches of documents that had been stolen from the personal email account of the Clinton Campaign chairman, totaling over 50,000 stolen documents.
4. ROGER JASON STONE, JR. was a political consultant who worked for decades in U.S. politics and on U.S. political campaigns. STONE was an official on the U.S. presidential campaign of Donald J. Trump ("Trump Campaign") until in or around August 2015, and maintained regular contact with and publicly supported the Trump Campaign through the 2016 election.
5. During the summer of 2016, STONE spoke to senior Trump Campaign officials about Organization 1 and information it might have had that would be damaging to the Clinton Campaign. STONE was contacted by senior Trump Campaign officials to inquire about future releases by Organization 1.
6. By in or around early August 2016, STONE was claiming both publicly and privately to have communicated with Organization 1. By in or around mid-August 2016, Organization 1 made a public statement denying direct communication with STONE. Thereafter, STONE said that his communication with Organization 1 had occurred through a person STONE described as a "mutual friend," "go-between," and "intermediary." STONE also continued to communicate with members of the Trump Campaign about Organization 1 and its intended future releases.
7. After the 2016 U.S. presidential election, the U.S. House of Representatives Permanent Select Committee on Intelligence ("HPSCI"), the U.S. Senate Select Committee on Intelligence ("SSCI"), and the Federal Bureau of Investigation ("FBI") opened or announced their respective

investigations into Russian interference in the 2016 U.S. presidential election, which included investigating STONE's claims of contact with Organization 1.

8. In response, STONE took steps to obstruct these investigations. Among other steps to obstruct the investigations, STONE:

- a. Made multiple false statements to HPSCI about his interactions regarding Organization 1, and falsely denied possessing records that contained evidence of these interactions; and
- b. Attempted to persuade a witness to provide false testimony to and withhold pertinent information from the investigations.

Other Relevant Individuals

9. Person 1 was a political commentator who worked with an online media publication during the 2016 U.S. presidential campaign. Person 1 spoke regularly with STONE throughout the campaign, including about the release of stolen documents by Organization 1.

10. Person 2 was a radio host who had known STONE for more than a decade. In testimony before HPSCI on or about September 26, 2017, STONE described Person 2 (without naming him) as an "intermediary," "go-between," and "mutual friend" to the head of Organization 1. In a follow-up letter to HPSCI dated October 13, 2017, STONE identified Person 2 by name and claimed Person 2 was the "gentleman who confirmed for Mr. Stone" that the head of Organization 1 had "[e]mails related to Hillary Clinton which are pending publication."

Background

STONE's Communications About Organization 1 During the Campaign

11. By in or around June and July 2016, STONE informed senior Trump Campaign officials that he had information indicating Organization 1 had documents whose release would be

damaging to the Clinton Campaign. The head of Organization 1 was located at all relevant times at the Ecuadorian Embassy in London, United Kingdom.

12. After the July 22, 2016 release of stolen DNC emails by Organization 1, a senior Trump Campaign official was directed to contact STONE about any additional releases and what other damaging information Organization 1 had regarding the Clinton Campaign. STONE thereafter told the Trump Campaign about potential future releases of damaging material by Organization 1.

13. STONE also corresponded with associates about contacting Organization 1 in order to obtain additional emails damaging to the Clinton Campaign.

- a. On or about July 25, 2016, STONE sent an email to Person 1 with the subject line, "Get to [the head of Organization 1]." The body of the message read, "Get to [the head of Organization 1] [a]t Ecuadorian Embassy in London and get the pending [Organization 1] emails . . . they deal with Foundation, allegedly." On or about the same day, Person 1 forwarded STONE's email to an associate who lived in the United Kingdom and was a supporter of the Trump Campaign.
- b. On or about July 31, 2016, STONE emailed Person 1 with the subject line, "Call me MON." The body of the email read in part that Person 1's associate in the United Kingdom "should see [the head of Organization 1]."
- c. On or about August 2, 2016, Person 1 emailed STONE. Person 1 wrote that he was currently in Europe and planned to return in or around mid-August. Person 1 stated in part, "Word is friend in embassy plans 2 more dumps. One shortly after I'm back. 2nd in Oct. Impact planned to be very damaging." The phrase "friend in embassy" referred to the head of Organization 1. Person 1 added in the same email, "Time to let more than [the Clinton Campaign chairman] to be exposed as in bed w

enemy if they are not ready to drop HRC. That appears to be the game hackers are now about. Would not hurt to start suggesting HRC old, memory bad, has stroke – neither he nor she well. I expect that much of next dump focus, setting stage for Foundation debacle.”

14. Starting in early August 2016, after receiving the August 2, 2016 email from Person 1, STONE made repeated statements about information he claimed to have learned from the head of Organization 1.

- a. On or about August 8, 2016, STONE attended a public event at which he stated, “I actually have communicated with [the head of Organization 1]. I believe the next tranche of his documents pertain to the Clinton Foundation, but there’s no telling what the October surprise may be.”
- b. On or about August 12, 2016, STONE stated during an interview that he was “in communication with [the head of Organization 1]” but was “not at liberty to discuss what I have.”
- c. On or about August 16, 2016, STONE stated during an interview that “it became known on this program that I have had some back-channel communication with [Organization 1] and [the head of Organization 1].” In a second interview on or about the same day, STONE stated that he “communicated with [the head of Organization 1]” and that they had a “mutual acquaintance who is a fine gentleman.”
- d. On or about August 18, 2016, STONE stated during a television interview that he had communicated with the head of Organization 1 through an “intermediary, somebody who is a mutual friend.”

- e. On or about August 23, 2016, Person 2 asked STONE during a radio interview, “You’ve been in touch indirectly with [the head of Organization 1]. . . . Can you give us any kind of insight? Is there an October surprise happening?” STONE responded, “Well, first of all, I don’t want to intimate in any way that I control or have influence with [the head of Organization 1] because I do not. . . . We have a mutual friend, somebody we both trust and therefore I am a recipient of pretty good information.”

15. Beginning on or about August 19, 2016, STONE exchanged written communications, including by text message and email, with Person 2 about Organization 1 and what the head of Organization 1 planned to do.

- a. On or about August 19, 2016, Person 2 sent a text message to STONE that read in part, “I’m going to have [the head of Organization 1] on my show next Thursday.” On or about August 21, 2016, Person 2 sent another text message to STONE, writing in part, “I have [the head of Organization 1] on Thursday so I’m completely tied up on that day.”
- b. On or about August 25, 2016, the head of Organization 1 was a guest on Person 2’s radio show for the first time. On or about August 26, 2016, Person 2 sent a text message to STONE that stated, “[the head of Organization 1] talk[ed] about you last night.” STONE asked what the head of Organization 1 said, to which Person 2 responded, “He didn’t say anything bad we were talking about how the Press is trying to make it look like you and he are in cahoots.”
- c. On or about August 27, 2016, Person 2 sent text messages to STONE that said, “We are working on a [head of Organization 1] radio show,” and that he (Person 2) was

“in charge” of the project. In a text message sent later that day, Person 2 added, “[The head of Organization 1] has kryptonite on Hillary.”

- d. On or about September 18, 2016, STONE sent a text message to Person 2 that said, “I am e-mailing u a request to pass on to [the head of Organization 1].” Person 2 responded “Ok,” and added in a later text message, “[j]ust remember do not name me as your connection to [the head of Organization 1] you had one before that you referred to.”
 - i. On or about the same day, September 18, 2016, STONE emailed Person 2 an article with allegations against then-candidate Clinton related to her service as Secretary of State. STONE stated, “Please ask [the head of Organization 1] for any State or HRC e-mail from August 10 to August 30—particularly on August 20, 2011 that mention [the subject of the article] or confirm this narrative.”
 - ii. On or about September 19, 2016, STONE texted Person 2 again, writing, “Pass my message . . . to [the head of Organization 1].” Person 2 responded, “I did.” On or about September 20, 2016, Person 2 forwarded the request to a friend who was an attorney with the ability to contact the head of Organization 1. Person 2 blind-copied STONE on the forwarded email.
- e. On or about September 30, 2016, Person 2 sent STONE via text message a photograph of Person 2 standing outside the Ecuadorian Embassy in London where the head of Organization 1 was located.

- f. On or about October 1, 2016, which was a Saturday, Person 2 sent STONE text messages that stated, “big news Wednesday . . . now pretend u don’t know me . . . Hillary’s campaign will die this week.” In the days preceding these messages, the press had reported that the head of Organization 1 planned to make a public announcement on or about Tuesday, October 4, 2016, which was reported to be the ten-year anniversary of the founding of Organization 1.
 - g. On or about October 2, 2016, STONE emailed Person 2, with the subject line “WTF?,” a link to an article reporting that Organization 1 was canceling its “highly anticipated Tuesday announcement due to security concerns.” Person 2 responded to STONE, “head fake.”
 - h. On or about the same day, October 2, 2016, STONE texted Person 2 and asked, “Did [the head of Organization 1] back off.” On or about October 3, 2016, Person 2 initially responded, “I can’t tal[k] about it.” After further exchanges with STONE, Person 2 said, “I think it[’]s on for tomorrow.” Person 2 added later that day, “Off the Record Hillary and her people are doing a full-court press they [*sic*] keep [the head of Organization 1] from making the next dump . . . That’s all I can tell you on this line . . . Please leave my name out of it.”
16. In or around October 2016, STONE made statements about Organization 1’s future releases, including statements similar to those that Person 2 made to him. For example:
- a. On or about October 3, 2016, STONE wrote to a supporter involved with the Trump Campaign, “Spoke to my friend in London last night. The payload is still coming.”
 - b. Also on or about October 3, 2016, STONE received an email from a reporter who had connections to a high-ranking Trump Campaign official that asked, “[the head

of Organization 1] – what’s he got? Hope it’s good.” STONE responded in part, “It is. I’d tell [the high-ranking Trump Campaign official] but he doesn’t call me back.”

- c. On or about October 4, 2016, the head of Organization 1 held a press conference but did not release any new materials pertaining to the Clinton Campaign. Shortly afterwards, STONE received an email from the high-ranking Trump Campaign official asking about the status of future releases by Organization 1. STONE answered that the head of Organization 1 had a “[s]erious security concern” but that Organization 1 would release “a load every week going forward.”
- d. Later that day, on or about October 4, 2016, the supporter involved with the Trump Campaign asked STONE via text message if he had “hear[d] anymore from London.” STONE replied, “Yes - want to talk on a secure line - got Whatsapp?” STONE subsequently told the supporter that more material would be released and that it would be damaging to the Clinton Campaign.

17. On or about October 7, 2016, Organization 1 released the first set of emails stolen from the Clinton Campaign chairman. Shortly after Organization 1’s release, an associate of the high-ranking Trump Campaign official sent a text message to STONE that read “well done.” In subsequent conversations with senior Trump Campaign officials, STONE claimed credit for having correctly predicted the October 7, 2016 release.

The Investigations

18. In or around 2017, government officials publicly disclosed investigations into Russian interference in the 2016 U.S. presidential election and possible links to individuals associated with the campaigns.

- a. On or about January 13, 2017, the chairman and vice chairman of SSCI announced the committee would conduct an inquiry that would investigate, among other things, any intelligence regarding links between Russia and individuals associated with political campaigns, as well as Russian cyber activity and other “active measures” directed against the United States in connection with the 2016 election.
- b. On or about January 25, 2017, the chairman and ranking member of HPSCI announced that HPSCI had been conducting an inquiry similar to SSCI’s.
- c. On or about March 20, 2017, the then-director of the FBI testified at a HPSCI hearing and publicly disclosed that the FBI was investigating Russian interference in the 2016 election and possible links and coordination between the Trump Campaign and the Russian government.
- d. By in or around August 2017, news reports stated that a federal grand jury had opened an investigation into matters relating to Russian government efforts to interfere in the 2016 election, including possible links and coordination between the Trump Campaign and the Russian government.

STONE’s False Testimony to HPSCI

19. In or around May 2017, HPSCI sent a letter requesting that STONE voluntarily appear before the committee and produce:

Any documents, records, electronically stored information including e-mail, communication, recordings, data and tangible things (including, but not limited to, graphs, charts, photographs, images and other documents) regardless of form, other than those widely available (e.g., newspaper articles) that reasonably could lead to the discovery of any facts within the investigation’s publicly-announced parameters.

On or about May 22, 2017, STONE caused a letter to be submitted to HPSCI stating that “Mr.

Stone has no documents, records, or electronically stored information, regardless of form, other than those widely available that reasonably could lead to the discovery of any facts within the investigation's publicly-announced parameters."

20. On or about September 26, 2017, STONE testified before HPSCI in Washington, D.C. as part of the committee's ongoing investigation. In his opening statement, STONE stated, "These hearings are largely based on a yet unproven allegation that the Russian state is responsible for the hacking of the DNC and [the Clinton Campaign chairman] and the transfer of that information to [Organization 1]." STONE further stated that "[m]embers of this Committee" had made certain "assertions against me which must be rebutted here today," which included "[t]he charge that I knew in advance about, and predicted, the hacking of Clinton campaign chairman[']s email, [and] that I had advanced knowledge of the source or actual content of the [Organization 1] disclosures regarding Hillary Clinton."

21. In the course of his HPSCI testimony, STONE made deliberately false and misleading statements to the committee concerning, among other things, his possession of documents pertinent to HPSCI's investigation; the source for his early August 2016 statements about Organization 1; requests he made for information from the head of Organization 1; his communications with his identified intermediary; and his communications with the Trump Campaign about Organization 1.

STONE's False and Misleading Testimony About His Possession of Documents Pertinent to HPSCI's Investigation

22. During his HPSCI testimony, STONE was asked, "So you have no emails to anyone concerning the allegations of hacked documents . . . or any discussions you have had with third parties about [the head of Organization 1]? You have no emails, no texts, no documents whatsoever, any kind of that nature?" STONE falsely and misleadingly answered, "That is correct.

Not to my knowledge.”

23. In truth and in fact, STONE had sent and received numerous emails and text messages during the 2016 campaign in which he discussed Organization 1, its head, and its possession of hacked emails. At the time of his false testimony, STONE was still in possession of many of these emails and text messages, including:

- a. The email from STONE to Person 1 on or about July 25, 2016 that read in part, “Get to [the head of Organization 1] [a]t Ecuadorian Embassy in London and get the pending [Organization 1] emails . . . they deal with Foundation, allegedly.”;
- b. The email from STONE to Person 1 on or about July 31, 2016 that said an associate of Person 1 “should see [the head of Organization 1].”;
- c. The email from Person 1 to STONE on or about August 2, 2016 that stated in part, “Word is friend in embassy plans 2 more dumps. One shortly after I’m back. 2nd in Oct. Impact planned to be very damaging.”;
- d. Dozens of text messages and emails, beginning on or about August 19, 2016 and continuing through the election, between STONE and Person 2 in which they discussed Organization 1 and the head of Organization 1;
- e. The email from STONE on or about October 3, 2016 to the supporter involved with the Trump Campaign, which read in part, “Spoke to my friend in London last night. The payload is still coming.”; and
- f. The emails on or about October 4, 2016 between STONE and the high-ranking member of the Trump Campaign, including STONE’s statement that Organization 1 would release “a load every week going forward.”

24. By falsely claiming that he had no emails or text messages in his possession that referred to the head of Organization 1, STONE avoided providing a basis for HPSCI to subpoena records in his possession that could have shown that other aspects of his testimony were false and misleading.

STONE's False and Misleading Testimony About His Early August 2016 Statements

25. During his HPSCI testimony on or about September 26, 2017, STONE was asked to explain his statements in early August 2016 about being in contact with the head of Organization 1. STONE was specifically asked about his statement on or about August 8, 2016 that "I've actually communicated with [the head of Organization 1]," as well as his statement on or about August 12, 2016 that he was "in communication with [the head of Organization 1]" but was "not at liberty to discuss what I have."

26. STONE responded that his public references to having a means of contacting Organization 1 referred exclusively to his contact with a journalist, who STONE described as a "go-between, as an intermediary, as a mutual friend" of the head of Organization 1. STONE stated that he asked this individual, his intermediary, "to confirm what [the head of Organization 1] ha[d] tweeted, himself, on July 21st, that he ha[d] the Clinton emails and that he [would] publish them." STONE further stated that the intermediary "was someone I knew had interviewed [the head of Organization 1]. And I merely wanted confirmation of what he had tweeted on the 21st." STONE declined to tell HPSCI the name of this "intermediary" but provided a description in his testimony that was consistent with Person 2.

27. On or about October 13, 2017, STONE caused a letter to be submitted to HPSCI that identified Person 2 by name as the "gentleman who confirmed for Mr. Stone" that the head of Organization 1 had "[e]mails related to Hillary Clinton which are pending publication."

28. STONE's explanation of his August 2016 statements about communicating with the head of Organization 1 was false and misleading. In truth and in fact, the first time Person 2 interviewed the head of Organization 1 was on or about August 25, 2016, after STONE made his August 8 and August 12, 2016 public statements. Similarly, at the time STONE made his August 2016 statements, STONE had directed Person 1—not Person 2—to contact the head of Organization 1. And Person 1—not Person 2—had told STONE in advance of STONE's August 8 and August 12, 2016 public statements that "[w]ord is friend in embassy plans 2 more dumps," including one in October. At no time did STONE identify Person 1 to HPSCI as another individual STONE contacted to serve as a "go-between," "intermediary," or other source of information from Organization 1. STONE also never disclosed his exchanges with Person 1 when answering HPSCI's questioning about STONE's August 8 and August 12, 2016 statements.

STONE's False and Misleading Testimony About Requests He Made for Information from the Head of Organization 1

29. During his HPSCI testimony, STONE was asked, "[W]hat was the extent of the communication with [the intermediary]?" STONE replied, "I asked him to confirm . . . that the tweet of [the head of Organization 1] of the 21st was accurate, that they did in fact have . . . Hillary Clinton emails and that they would release them." STONE was then asked, "Did you ask [the intermediary] to communicate anything else to [the head of Organization 1]?" STONE falsely and misleadingly responded, "I did not." STONE was then asked, "Did you ask [the intermediary] to do anything on your own behalf?" STONE falsely and misleadingly responded, "I did not."

30. In truth and in fact, STONE directed both Person 1 and Person 2 to pass on requests to the head of Organization 1 for documents that STONE believed would be damaging to the Clinton Campaign. For example:

- a. As described above, on or about July 25, 2016, STONE sent Person 1 an email that

read, “Get to [the head of Organization 1] [a]t Ecuadorian Embassy in London and get the pending [Organization 1] emails . . . they deal with Foundation, allegedly.”

- b. On or about September 18, 2016, STONE sent a text message to Person 2 that said, “I am e-mailing u a request to pass on to [the head of Organization 1],” and then emailed Person 2 an article with allegations against then-candidate Clinton related to her service as Secretary of State. STONE added, “Please ask [the head of Organization 1] for any State or HRC e-mail from August 10 to August 30—particularly on August 20, 2011 that mention [the subject of the article] or confirm this narrative.”
- c. On or about September 19, 2016, STONE texted Person 2 again, writing “Pass my message . . . to [the head of Organization 1].” Person 2 responded, “I did,” and the next day Person 2, on an email blind-copied to STONE, forwarded the request to an attorney who had the ability to contact the head of Organization 1.

STONE’s False and Misleading Testimony About Communications with His Identified Intermediary

31. During his HPSCI testimony, STONE was asked repeatedly about his communications with the person he identified as his intermediary. STONE falsely and misleadingly stated that he had never communicated with his intermediary in writing in any way. During one exchange, STONE falsely and misleadingly claimed only to have spoken with the intermediary telephonically:

- Q: [H]ow did you communicate with the intermediary?
- A: Over the phone.
- Q: And did you have any other means of communicating with the intermediary?
- A: No.
- Q: No text messages, no – none of the list, right?

A: No.

Later during his testimony, STONE again falsely denied ever communicating with his intermediary in writing:

Q: So you never communicated with your intermediary in writing in any way?

A: No.

Q: Never emailed him or texted him?

A: He's not an email guy.

Q: So all your conversations with him were in person or over the phone.

A: Correct.

32. In truth and in fact, as described above, STONE and Person 2 (who STONE identified to HPSCI as his intermediary) engaged in frequent written communication by email and text message. STONE also engaged in frequent written communication by email and text message with Person 1, who also provided STONE with information regarding Organization 1.

33. Written communications between STONE and Person 1 and between STONE and Person 2 continued through STONE's HPSCI testimony. Indeed, on or about September 26, 2017—the day that STONE testified before HPSCI and denied having ever sent or received emails or text messages from Person 2—STONE and Person 2 exchanged over thirty text messages.

34. Certain electronic messages between STONE and Person 1 and between STONE and Person 2 would have been material to HPSCI. For example:

- a. In or around July 2016, STONE emailed Person 1 to “get to” the head of Organization 1 and obtain the pending emails.
- b. In or around September 2016, STONE sent messages directing Person 2 to pass a request to the head of Organization 1.
- c. On or about January 6, 2017, Person 2 sent STONE an email that had the subject

line “Back channel bs.” In the email, Person 2 wrote, “Well I have put together timelines[] and you [] said you have a back-channel way back a month before I had [the head of Organization 1] on my show . . . I have never had a conversation with [the head of Organization 1] other than my radio show . . . I have pieced it all together . . . so you may as well tell the truth that you had no back-channel or there’s the guy you were talking about early August.”

STONE’s False and Misleading Testimony About Communications with the Trump Campaign

35. During his HPSCI testimony, STONE was asked, “did you discuss your conversations with the intermediary with anyone involved in the Trump campaign?” STONE falsely and misleadingly answered, “I did not.” In truth and in fact, and as described above, STONE spoke to multiple individuals involved in the Trump Campaign about what he claimed to have learned from his intermediary to Organization 1, including the following:

- a. On multiple occasions, STONE told senior Trump Campaign officials about materials possessed by Organization 1 and the timing of future releases.
- b. On or about October 3, 2016, STONE wrote to a supporter involved with the Trump Campaign, “Spoke to my friend in London last night. The payload is still coming.”
- c. On or about October 4, 2016, STONE told a high-ranking Trump Campaign official that the head of Organization 1 had a “[s]erious security concern” but would release “a load every week going forward.”

Attempts to Prevent Person 2 from Contradicting STONE’s False Statements to HPSCI

36. On or about October 19, 2017, STONE sent Person 2 an excerpt of his letter to HPSCI that identified Person 2 as his “intermediary” to Organization 1. STONE urged Person 2, if asked by HPSCI, to falsely confirm what STONE had previously testified to, including that it was Person 2

who provided STONE with the basis for STONE's early August 2016 statements about contact with Organization 1. Person 2 repeatedly told STONE that his testimony was false and told him to correct his testimony to HPSCI. STONE did not do so. STONE then engaged in a prolonged effort to prevent Person 2 from contradicting STONE's false statements to HPSCI.

37. In or around November 2017, Person 2 received a request from HPSCI to testify voluntarily before the committee. After being contacted by HPSCI, Person 2 spoke and texted repeatedly with STONE. In these discussions, STONE sought to have Person 2 testify falsely either that Person 2 was the identified intermediary or that Person 2 could not remember what he had told STONE. Alternatively, STONE sought to have Person 2 invoke his Fifth Amendment right against self-incrimination. For example:

- a. On or about November 19, 2017, in a text message to STONE, Person 2 said that his lawyer wanted to see him (Person 2). STONE responded, "'Stonewall it. Plead the fifth. Anything to save the plan' . . . Richard Nixon.'" On or about November 20, 2017, Person 2 informed HPSCI that he declined HPSCI's request for a voluntary interview.
- b. On or about November 21, 2017, Person 2 texted STONE, "I was told that the house committee lawyer told my lawyer that I will be getting a subpoena." STONE responded, "That was the point at which your lawyers should have told them you would assert your 5th Amendment rights if compelled to appear."
- c. On or about November 28, 2017, Person 2 received a subpoena compelling his testimony before HPSCI. Person 2 informed STONE of the subpoena.
- d. On or about November 30, 2017, STONE asked Person 1 to write publicly about Person 2. Person 1 responded, "Are you sure you want to make something out of

this now? Why not wait to see what [Person 2] does. You may be defending yourself too much—raising new questions that will fuel new inquiries. This may be a time to say less, not more.” STONE responded by telling Person 1 that Person 2 “will take the 5th—but let’s hold a day.”

- e. On multiple occasions, including on or about December 1, 2017, STONE told Person 2 that Person 2 should do a “Frank Pentangeli” before HPSCI in order to avoid contradicting STONE’s testimony. Frank Pentangeli is a character in the film *The Godfather: Part II*, which both STONE and Person 2 had discussed, who testifies before a congressional committee and in that testimony claims not to know critical information that he does in fact know.
- f. On or about December 1, 2017, STONE texted Person 2, “And if you turned over anything to the FBI you’re a fool.” Later that day, Person 2 texted STONE, “You need to amend your testimony before I testify on the 15th.” STONE responded, “If you testify you’re a fool. Because of trump I could never get away with a certain [*sic*] my Fifth Amendment rights but you can. I guarantee you you are the one who gets indicted for perjury if you’re stupid enough to testify.”

38. On or about December 12, 2017, Person 2 informed HPSCI that he intended to assert his Fifth Amendment privilege against self-incrimination if required to appear by subpoena. Person 2 invoked his Fifth Amendment privilege in part to avoid providing evidence that would show STONE’s previous testimony to Congress was false.

39. Following Person 2’s invocation of his Fifth Amendment privilege not to testify before HPSCI, STONE and Person 2 continued to have discussions about the various investigations into Russian interference in the 2016 election and what information Person 2 would provide to

investigators. During these conversations, STONE repeatedly made statements intended to prevent Person 2 from cooperating with the investigations. For example:

- a. On or about December 24, 2017, Person 2 texted STONE, “I met [the head of Organization 1] for f[i]rst time this yea[r] sept 7 . . . docs prove that. . . . You should be honest w fbi . . . there was no back channel . . . be honest.” STONE replied approximately two minutes later, “I’m not talking to the FBI and if your smart you won’t either.”
- b. On or about April 9, 2018, STONE wrote in an email to Person 2, “You are a rat. A stoolie. You backstab your friends-run your mouth my lawyers are dying Rip you to shreds.” STONE also said he would “take that dog away from you,” referring to Person 2’s dog. On or about the same day, STONE wrote to Person 2, “I am so ready. Let’s get it on. Prepare to die [expletive].”
- c. On or about May 21, 2018, Person 2 wrote in an email to STONE, “You should have just been honest with the house Intel committee . . . you’ve opened yourself up to perjury charges like an idiot.” STONE responded, “You are so full of [expletive]. You got nothing. Keep running your mouth and I’ll file a bar complaint against your friend [the attorney who had the ability to contact the head of Organization 1].”

COUNT ONE
(Obstruction of Proceeding)

40. Paragraphs 1 through 39 of this Indictment are re-alleged and incorporated by reference as if fully set forth herein.

41. From in or around May 2017 through at least December 2017, within the District of Columbia and elsewhere, the defendant ROGER JASON STONE, JR., corruptly influenced, obstructed, impeded, and endeavored to influence, obstruct, and impede the due and proper exercise of the power of inquiry under which any inquiry and investigation is being had by either House, and any committee of either House and any joint committee of the Congress, to wit: STONE testified falsely and misleadingly at a HPSCI hearing in or around September 2017; STONE failed to turn over and lied about the existence of responsive records to HPSCI's requests about documents; STONE submitted and caused to be submitted a letter to HPSCI falsely and misleadingly describing communications with Person 2; and STONE attempted to have Person 2 testify falsely before HPSCI or prevent him from testifying.

All in violation of Title 18, United States Code, Sections 1505 and 2.

COUNTS TWO THROUGH SIX
(False Statements)

42. Paragraphs 1 through 39 of this Indictment are re-alleged and incorporated by reference as if fully set forth herein.

43. On or about September 26, 2017, within the District of Columbia and elsewhere, in a matter within the jurisdiction of the legislative branch of the Government of the United States, the defendant ROGER JASON STONE, JR., knowingly and willfully made and caused to be made materially false, fictitious, and fraudulent statements and representations, to wit:

Count	False Statement
2	STONE testified falsely that he did not have emails with third parties about the head of Organization 1, and that he did not have any documents, emails, or text messages that refer to the head of Organization 1.
3	STONE testified falsely that his August 2016 references to being in contact with the head of Organization 1 were references to communications with a single “go-between,” “mutual friend,” and “intermediary,” who STONE identified as Person 2.
4	STONE testified falsely that he did not ask the person he referred to as his “go-between,” “mutual friend,” and “intermediary,” to communicate anything to the head of Organization 1 and did not ask the intermediary to do anything on STONE’s behalf.
5	STONE testified falsely that he and the person he referred to as his “go-between,” “mutual friend,” and “intermediary” did not communicate via text message or email about Organization 1.
6	STONE testified falsely that he had never discussed his conversations with the person he referred to as his “go-between,” “mutual

Count	False Statement
	friend,” and “intermediary” with anyone involved in the Trump Campaign.

All in violation of Title 18, United States Code, Sections 1001(a)(2) and 2.

COUNT SEVEN
(Witness Tampering)

44. Paragraphs 1 through 39 of this Indictment are re-alleged and incorporated by reference as if fully set forth herein.

45. Between in or around September 2017 and present, within the District of Columbia and elsewhere, the defendant ROGER JASON STONE, JR., knowingly and intentionally corruptly persuaded and attempted to corruptly persuade another person, to wit: Person 2, with intent to influence, delay, and prevent the testimony of any person in an official proceeding.

All in violation of Title 18, United States Code, Section 1512(b)(1).

Robert S. Mueller, III
Special Counsel
U.S. Department of Justice

A TRUE BILL:

Foreperson

Date: January 24, 2019

EXHIBIT 4

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

DR. JEROME CORSI, Individually
Denville, NJ, 07834

Plaintiff

v.

ROGER STONE, Individually
4300 Bayview Drive
Fort Lauderdale, FL, 33308

Defendant.

Case Number:

COMPLAINT

INTRODUCTION

Plaintiff, DR. JEROME CORSI (“Plaintiff” or “Corsi”) hereby files this action against ROGER STONE (“Defendant Stone”) for Defamation, Intentional Infliction of Emotional Distress and Assault

JURISDICTION AND VENUE

1. This Court has diversity jurisdiction over this case pursuant to 28 U.S.C. § 1332, as the parties are completely diverse in citizenship and the amount in controversy exceeds \$75,000.

2. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2), (3) in that a substantial part of the events or omissions giving rise to Plaintiff Corsi’s claims arose herein.

THE PARTIES

3. Plaintiff, Dr. Jerome Corsi, is an author and political commentator who publishes works in this judicial district and nationwide. Plaintiff Corsi is a citizen of New Jersey.

4. Defendant, Roger Stone, is an individual and a citizen of Florida and a resident of

Fort Lauderdale, Florida. Defendant Stone was recently indicted by Special Counsel Robert Mueller as part of the alleged “Russian Collusion” investigation. His address is 4300 Bayview Drive, Fort Lauderdale, FL, 33308

GENERAL ALLEGATIONS

5. Defendant Stone was recently indicted by Special Counsel Robert Mueller (“Mueller Indictment”) as part of his “Russian Collusion” investigation for the alleged crimes of perjury, witness tampering and obstruction of justice. The indictment comprises seven different felony counts. *See Exhibit 1 – Mueller Indictment*. Importantly, Plaintiff Corsi was not accused of any wrongdoing or illegality in the Mueller Indictment, in which he named as Person 1, a material witness to the alleged crimes committed by Stone.

6. Specifically, the seven count Mueller Indictment against Defendant Stone involves alleged lying under oath - that is, perjury - witness tampering and obstruction of justice by threatening to kill a material witness, Randy Credico (“Credico”) and his dog if Credico did not lie to government authorities concerning his involvement with Roger Stone. Credico is Person 2 in the Mueller Indictment of Defendant Stone. *Id.* Person 1 in this Mueller Indictment is Plaintiff Corsi.

7. Even before Defendant Stone was indicted, he began a public relations campaign in this district, nationally and internationally to smear, intimidate and threaten Plaintiff Corsi, a material witness in the “Russian Collusion” investigation. Plaintiff Corsi is listed as Person 1 in the Mueller Indictment and was not indicted along with Defendant Stone, as he testified truthfully to the grand jury and in interviews.

8. To the contrary, Plaintiff Corsi has never defamed or disparaged Defendant Stone.

9. Defendant Stone knew that he was going to be indicted, and therefore began this

public relations campaign to smear, defame, intimidate and threaten Plaintiff Corsi, even before his actual indictment on January 25, 2019, in order to try to influence public opinion and Special Counsel Robert Mueller – by trying to attribute guilt to Plaintiff Corsi and not him - as well as to try to raise money for his legal defense. This pattern and practice of defaming, intimidating and threatening Plaintiff Corsi, and his legal counsel, is ongoing, so Plaintiff Corsi reserves the right to amend this Complaint.

10. Defendant Stone likes to portray himself as Mafia, frequently making reference to Mafia figures who he admires, as well as other unsavory types who have been alleged to have engaged in unethical and/or illegal behavior. He frequently makes reference to his heroes being Hyman Roth in the ‘Godfather,’ who was the movie version of Meyer Lansky, and Roy Cohn, not to mention, Richard Nixon, for his role in Watergate. In this regard, after Stone was indicted he held a press conference on the courthouse steps of the federal courthouse in Ft. Lauderdale, where he was booked, with his arms defiantly in the air in the “victory’ pose used by Nixon after he resigned in disgrace as a result of the Watergate scandal. At the time, Stone had been employed by a Nixon group called CREEP, or the Committee to Reelect the President. Defendant Stone even has a large tattoo of Richard Nixon affixed to his back. Thus, given his admiration for persons such as these, particularly Mafia figures, his actions as pled herein can be taken as threats, as well as being defamatory. And, Plaintiff Corsi is 72 years old. Defendant Stone’s intentional infliction of emotional distress and coercion and threats are intended to try even cause Plaintiff Corsi to have heart attacks and strokes, in order that Plaintiff will be unable to testify at Stone’s criminal trial. Tellingly, Defendant Stone threatened kill a material witness and his dog, Credico, Person 2 in the Mueller Indictment, “Mafia style.” Defendant Stone also fashions himself and indeed has the reputation, at a minimum, as being the preeminent “dirty

trickster.” See “Get Me Roger Stone” on Netflix.

11. Plaintiff Corsi has been named as a material witness to Defendant Stone’s upcoming prosecution, which has prompted Defendant Stone to try to intimidate, coerce and threaten Plaintiff Corsi by defaming him and threatening him with physical violence, which is ironically what he was criminally indicted for, in part.

12. By defaming Plaintiff Corsi, Defendant Stone is hoping to not only intimidate Plaintiff Corsi to severely harm and damage his reputation, but also to coerce and threaten Plaintiff Corsi to testify falsely if subpoenaed to be called as a material witness in Defendant Stone’s ensuing criminal trial. He is also trying divert funds away from Plaintiff Corsi’s legal defense fund, while boosting his own legal defense fund.

13. Defendant Stone has also used and continues to employ surrogates, either out in the open or secretly, to defame Plaintiff Corsi, such as his “friend” Michael Caputo, Alex Jones and J. Owen Stroyer of InfoWars, Cassandra Fairbanks, and reporter Chuck Ross of The Daily Caller, to name just a few. More surrogates will be identified during discovery and they may be joined, with leave of court to amend this Complaint, as defendants herein. The use of surrogates is consistent with Defendant Stone’s reputation as a “dirty trickster” who works as well under “cover of darkness” to harm and damage others who he sees for whatever reason as adversaries, political or otherwise as in the case of Plaintiff Corsi. Plaintiff Corsi is not Defendant Stone’s adversary, as he simply is committed as Person 1 in the Mueller Indictment to testify truthfully if subpoenaed to testify at Stone’s criminal trial.

14. Defendant Stone is no stranger to defamation lawsuits. As reported by Splinter News, Defendant Stone was forced to - as part of a settlement in another defamation suit – apologize in newspapers and on social media for lying about Chinese Businessman Guo Wengui

on InfoWars, after having falsely published that Mr. Wengui is a “turncoat criminal who is convicted of crimes here and in China.”¹

15. Defendant Stone has therefore engaged in illegal witness tampering and intimidation, in violation of 18 U.S.C. § 1512 by virtue of the defamatory and threatening acts and practices as alleged herein. Not coincidentally, this was what largely he was indicted for by Special Counsel Robert Mueller.

DEFENDANT STONE’S DEFAMATORY STATEMENTS

16. Before Defendant Stone was indicted, on or about January 18, 2019, he appeared on InfoWars, where he made several false, misleading and defamatory statements in this district, nationally and internationally regarding Plaintiff Corsi (the “InfoWars Video”).² The same video was published on Defendant Stone’s YouTube channel, “*Stone Cold Truth*,” on January 18, 2019.³

17. At 2:09 in the InfoWars Video, Defendant Stone falsely publishes that Plaintiff Corsi was “fired from World Net Daily.”

18. At 2:27 in the InfoWars Video, Defendant Stone falsely and misleadingly publishes that, “He (Corsi) was perfectly willing to lie, to perjure himself saying that a memo that he had wrote me was written on the 30th for the purposes of cover-up.... which is further proof that Jerry lied under oath.”

19. At 2:55 in the InfoWars Video, Defendant Stone falsely and misleadingly publishes, “and then states that I knew about John Podesta’s emails being stolen in advance, the only proof of that is Jerry’s feeble alcohol affected memory – it’s a lie...”

¹ Sophie Weiner, *Roger Stone Lied About a Chinese Businessman on InfoWars and Now He Has to Tell Everyone*, Splinter News, Dec. 17, 2018, available at: <https://splinternews.com/roger-stone-lied-about-a-chinese-businessman-on-infowar-1831162926>

² <https://www.infowars.com/watch/?video=5c3fbf24fe49383dcf6996e4>

³ <https://www.youtube.com/watch?v=cJyfgdvtFx8>

20. At 3:35 in the InfoWars Video, Defendant Stone falsely and misleadingly publishes that “Jerry was prepared to stab a principle Trump supporter in the back, he was perfectly prepared to bear false witness against me, even though I had done nothing in my entire life other than help him.”

21. At 4:20 in the InfoWars Video, Defendant Stone falsely and misleadingly publishes that “all I ever did was show Jerry Corsi friendship and support and try to help him and his family and what I get is Judas Iscariot, the willingness to testify against me and help the deep state bury me....and then he makes up this story about helping me formulate a cover story.”

22. At 6:26 in the InfoWars Video, Defendant Stone falsely publishes that “you can always tell when Jerry Corsi is lying because his lips are moving....”

23. Defendant Stone made these false, misleading and defamatory statements with malice and with full knowledge that they were false and misleading, and/or at a minimum, with a reckless disregard for its truthfulness. These statements falsely and misleadingly state that Plaintiff Corsi was fired from World Net Daily, that he committed perjury (a federal offense), and that he is an untruthful person.

24. On January 2, 2019, Defendant Stone published an article on www.infowars.com titled “*ROGER STONE BELIEVES JEROME CORSI WORKS FOR MUELLER*”⁴ in which Defendant Stone falsely, misleadingly, and maliciously writes, “Before you decide that Corsi is a hero you should be well aware of the fact that the good doctor was prepared to bear false witness against others in the Trump orbit if he thought it would save his own skin.”

25. Defendant Stone made these false, misleading and defamatory statements with malice and with full knowledge that they were false and misleading, and/or at a minimum, with a reckless disregard for its truthfulness. These statements falsely and misleadingly state that

⁴ <https://www.infowars.com/roger-stone-the-treachery-of-jerome-corsi/>

Plaintiff Corsi committed perjury (a federal offense), and that he is an untruthful person.

26. In another appearance on InfoWars, which was posted to YouTube⁵ on January 17, 2019, Defendant Stone at 6:22 falsely and misleadingly publishes that “He [Corsi] was perfectly willing to bear false witness against me on multiple points that are complete fabrications.”

27. In another appearance on InfoWars, which was posted to YouTube⁶ on January 24, 2019, Defendant Stone at 5:58 falsely and misleadingly publishes that “the good doctor [Corsi] has told a number of lies. In fact, he’s starting to conflate his lies.... he was perfectly willing to lie about me.... but now lying about Alex Jones, lying about InfoWars, lying about Dr. Jones, who’s one of the nicest, gentlest, sweetest, most honest men I have ever met, it’s beyond the pale.... Jerry Corsi can no longer be believed.”

28. In the same appearance, Defendant Stone at 8:34 falsely and misleadingly publishes that, “I think you’ve [Corsi] been deep state from the beginning. Your whole birther thing is used as a club to destroy conservatives....I look forward to our confrontation. I will demolish you. You’re a fraudster, out of your alcoholic haze you have made up lies about David Jones and Alex Jones and Roger Stone and now I suspect they want you to lie about the President.” This is clearly a threat, as well as being defamatory. It is akin to the threats against Person 2 in the Mueller Indictment, Randy Credico, who Defendant Stone, as set forth in the Mueller Indictment, based on Stone’s own words contained in his own documentary evidence, threatened kill along with Credico’s dog.

29. Defendant Stone made these false, misleading and defamatory statements with malice and with full knowledge that they were false and misleading, and/or at a minimum, with a

⁵ <https://www.youtube.com/watch?v=GJd8YBDvm1Q>

⁶ <https://www.youtube.com/watch?v=fXUIJZRxe6E>

reckless disregard for their truthfulness. These statements falsely and misleadingly state that Plaintiff Corsi committed perjury (a federal offense), is an untruthful person, and is an alcoholic. They also contain threats against Plaintiff Corsi.

FIRST CAUSE OF ACTION
Defamation

30. Plaintiff re-alleges and incorporates by reference the allegations in the preceding paragraphs of the Complaint as if fully set forth herein.

31. Defendant Stone published malicious, false, misleading and defamatory statements of and concerning Plaintiff Corsi in this judicial district, nationwide, and worldwide.

32. These false and misleading statements were published with malice, as Defendant Stone knew that they were false and misleading, or at a minimum acted with a reckless disregard for the truth.

33. Plaintiff Corsi has been severely harmed and damaged by these false and misleading statements because they subjected him to hatred, distrust, ridicule, contempt, and disgrace.

34. Plaintiff Corsi has been damaged by these false and misleading statements because they injured Plaintiff Corsi in his profession and business as a journalist and author, whose credibility is the most important trait, as well as severely injured and damaged him personally.

SECOND CAUSE OF ACTION
Defamation Per Se

35. Plaintiff re-alleges and incorporates by reference the allegations in the preceding paragraphs of the Complaint as if fully set forth herein.

36. Defendant Stone, as alleged herein, published numerous false, misleading and

defamatory statements to severely harm and damage Plaintiff Corsi, which were republished elsewhere, and through surrogates, which publish the falsity that Plaintiff Corsi has committed crimes, including perjury, and engaged in moral turpitude in the form of alcoholism, as set forth in the preceding paragraphs.

37. These false, misleading and defamatory statements were published in this district and on the internet and elsewhere, domestically and for the entire world to see and hear and specifically Stone published false and misleading facts, *inter alia*, that Plaintiff's conduct, characteristics or a condition is incompatible with the proper exercise of his lawful business, trade, profession or office.

38. These false and misleading statements were published with malice, as Defendant Stone knew that they were false and misleading, and/or at a minimum acted with a reckless disregard for the truth.

39. This statements are *per se* defamatory because they falsely and misleadingly publish that Plaintiff Corsi committed perjury, which is a federal offense and felony. Defamation *per se* gives rise to the presumption that severe harm and damage has arisen by virtue of the false and misleading statements.

40. These false, misleading, and defamatory statements are defamatory *per se* and these false and misleading statements severely harmed and damaged Plaintiff Corsi in his profession and business as a journalist and author, whose credibility is the most important trait, as well as personally.

THIRD CAUSE OF ACTION
Defamation by Implication

41. Plaintiff re-alleges and incorporates by reference the allegations in the preceding paragraphs of the Complaint as if fully set forth herein.

42. Defendant Stone published numerous false, misleading and defamatory statements about Plaintiff Corsi, as set forth in the preceding paragraphs.

43. These false, misleading and defamatory statements were published on the internet and published and republished elsewhere in this district, domestically and for the entire world to see and hear.

44. These false and misleading statements were published with malice, as Defendant Stone knew that they were false and misleading, and/or at a minimum acted with a reckless disregard for the truth.

45. These statements created the false and misleading implication that Plaintiff Corsi is dishonest, committed perjury and is an alcoholic, among other false and misleading statements as pled in the preceding paragraphs.

46. Plaintiff Corsi has been severely harmed and damaged by these false and misleading statements because they subject him to hatred, distrust, ridicule, contempt, and disgrace.

47. Plaintiff Corsi has been damaged by these false and misleading statements because the statements severely harmed and damaged Plaintiff Corsi in his profession as a journalist and author, whose credibility is the most important trait, as well as personally.

FOURTH CAUSE OF ACTION
Intentional Infliction of Emotional Distress

48. Plaintiff re-alleges and incorporates by reference the allegations in the preceding paragraphs of the Complaint as if fully set forth herein.

49. Defendant Stone engaged in extreme and outrageous conduct by threatening Plaintiff Corsi, in concert with Stone, who has made death threats to at least one witness involved in Special Counsel Mueller's Russian collusion investigation, Person 2 Randy Credico.

50. Defendant Stone knowingly and intentionally threatened Plaintiff Corsi, in a manner similar to other death threats he made to at least one material witness, involved in Special Counsel Mueller's Russian collusion investigation, such as Randy Credico, Person 2 in the Mueller Indictment.

51. Defendant Stone's extreme and outrageous conduct directly caused Plaintiff Corsi severe emotional distress and resulting severe harm and damage.

FIFTH CAUSE OF ACTION
Assault

52. Plaintiff re-alleges and incorporates by reference the allegations in the preceding paragraphs of the Complaint as if fully set forth herein.

53. Defendant Stone placed Plaintiff Corsi in apprehension of an imminent harmful or offensive contact and physical harm and death, by coercing and threatening Plaintiff Corsi, in a similar manner he has used to make death threats to at least one material witness involved in Special Counsel Mueller's Russian collusion investigation, such as Person 2 in the Mueller Indictment, Randy Credico.

54. The threats issued by Defendant Stone are credible, as he portrays himself as a "mafia" figure, as set forth above.

55. Plaintiff Corsi did not consent to Defendant Stone's conduct.

56. As a direct and proximate result of Defendant Stone's wrongful conduct, Plaintiff Corsi suffered conscious pain, suffering, severe emotional distress and the fear of imminent serious bodily injury or death, and other mental and physical injuries, and Plaintiff was severely harmed and damaged thereby.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Dr. Jerome Corsi prays for judgment against Defendant Stone as

follows:

- a. Awarding Plaintiff Corsi compensatory including actual, consequential, incidental and punitive damages for malicious tortious conduct in an amount to be determined at trial and in excess of \$25, 000,000 U.S. Dollars. While Stone feigns being financially destitute as a result of his legal problems and uses this to raise money for his legal defense fund, on information and belief he is wealthy, perhaps hiding his wealth in overseas bank accounts.
- b. Awarding Plaintiff Corsi attorney's fees and costs.
- c. Granting any further relief as the Court deems appropriate including preliminary and permanent injunctive relief, as well as the entry of a gag order against Defendant Stone in his criminal prosecution before this Court in order that he be prevented from intimidating, coercing and threatening material witnesses, such as Plaintiff Corsi, who are likely to be subpoenaed to testify at his trial. In this regard, Plaintiff Corsi will also, with leave of court requested, file an amicus brief arguing for a gag order on Defendant Stone in the related criminal case *United States of America v. Stone*, 19-cr-18 (D.D.C).

Dated: February 7, 2019

Respectfully Submitted,

/s/ Larry Klayman
Larry Klayman, Esq.
KLAYMAN LAW GROUP, P.A.
D.C. Bar Number: 334581
2020 Pennsylvania Ave NW #800
Washington, DC, 20006
Telephone: (310)-595-0800
Email: leklayman@gmail.com
Counsel for Plaintiff

EXHIBIT 5



Oliver Peer <oliver.peerfw@gmail.com>

Indictment of Roger Stone and Plea Agreement and Criminal Judgment

Larry Klayman <leklayman@gmail.com>

Tue, Feb 5, 2019 at 1:37 PM

To: thomas_barbeau@ohsp.uscourts.gov

Cc: Oliver Peer <oliver.peerfw@gmail.com>, leklayman <leklayman@gmail.com>

Officer Barbeau:

As set forth in the mail which I just sent to you, attached is the Stone indictment, which lists my client Dr. Jerome Corsi, as Person 1 and thus a material witness to the upcoming criminal prosecution of Roger Stone.

In addition to the crime of perjury before the DC government under 18 U.S.C. 1001 which Mr. Santilli is furthering in concert with Stone, his actions amount to obstructing a federal criminal prosecution, by attempting to harm me, the lawyer for Dr. Corsi, a material witness, and thus Dr. Corsi himself. In this regard, Stone has literally been on a public relations campaign against Dr. Corsi, for which he is likely to soon be gagged by the presiding Judge Amy Berman Jackson, and Mr. Santilli has now been collaborating with Stone to further this witness tampering and obstruction of justice. This criminal activity is akin to the crimes for which he pled guilty in the U.S. District Court for the District of Nevada, where he was charged and convicted of 'The elements of Conspiracy to Impede or Injure a Federal Office in violation of Title 18, United States Code, Section 372, at page 3 of the attached Plea Agreement. Here, Mr. Santilli, in conjunction with Stone, is seeking to impede and obstruct a federal criminal prosecution of Stone, all for his own profit.

I look forward to hearing from you.

Sincerely,

Larry Klayman, Esq.

----- Forwarded message -----

From: **Oliver Peer** <oliver.peerfw@gmail.com>

Date: Tue, Feb 5, 2019 at 1:24 PM

Subject: Indictment of Roger Stone and Plea Agreement and Criminal Judgment

To: Larry Klayman <leklayman@gmail.com>

3 attachments**Santilli Judgment.pdf**

383K

**Santilli Plea Agreement.pdf**

538K



Oliver Peer <oliver.peerfw@gmail.com>

Fwd: Fwd: The Pete Santilli Show ? Raw ? Real ? Independent

Larry Klayman <leklayman@gmail.com>

Wed, Feb 6, 2019 at 9:34 AM

To: Oliver Peer <oliver.peerfw@gmail.com>, leklayman <leklayman@gmail.com>

On Wed, Feb 6, 2019, 6:53 AM <Thomas_Barbeau@ohsp.uscourts.gov> wrote:

Mr. Klayman,

Thank you for your email. The information you provided in this, as well as your subsequent email of February 5, 2019, is being reviewed.

Sincerely,

Thomas A. Barbeau
United States Probation Officer
Southern District of Ohio
(513) 564-7564

From: Larry Klayman <leklayman@gmail.com>
To: thomas_barbeau@ohsp.uscourts.gov,
Cc: leklayman <leklayman@gmail.com>
Date: 02/05/2019 04:18 PM
Subject: Fwd: The Pete Santilli Show – Raw ● Real ● Independent

Dear Mr. Barbeau:

I called earlier today and spoke with your intake officer Ms. Marquita Howard.

The call concerned Mr. Peter T. Santilli, who I understand is under your supervision in conjunction with his two year probation concerning his guilty plea in United States v. Peter T. Santilli, Jr., Case no. 2;16-cr-00046-GM-PAL-5 in the U.S. District Court for the District of Nevada.

The Standard Conditions of Supervision, of which you are charged as his probation officer, reads in pertinent part:

"8. You are not to communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.

As you can see from the link to Mr. Santilli's website, he has been working with and in contact with Roger Stone, who was recently indicted by Special Counsel Robert Mueller for engaging in on-going criminal activity including but not limited to perjury and threatening a material witness, Randy Credico and his dog, with death, all in furtherance of witness tampering and obstruction of justice.

In this regard, and I will forward a copy of the Stone indictment, which has garnered much national and international attention, he has defamed and threatened me, an attorney for another material witness as set forth as Person 1 in the Stone indictment, by working in concert with the criminal defendant Roger Stone. In this regard, not only has Santilli published false and defamatory statements on his website about me, which will result in litigation in the next days, but he has made demonstrably false statements to the Office of Disciplinary Counsel of the DC Bar, which is a government agency. Mr. Santilli's false statements to this government agency, thus constitute perjury actionable under 18 U.S.C 1001, as the District of Columbia is a federal enclave. Thus, Mr. Santilli is in the act of committing crimes, in concert with Stone.

The obvious underlying reason for this is that Mr. Santilli, whose radio talk show status was interrupted during the years that he was incarcerated, is using Stone to regain his standing and boost his listenership and viewership, all for profit.

I thus respectfully request that this serious matter be investigated and I am willing to file a formal complaint with your office against Mr. Santilli, in addition to the civil complaint that I will be filing.

PLEASE CONTACT ME IMMEDIATELY IN ORDER THAT THIS MATTER CAN PROCEED EXPEDITIOUSLY AS MR. SANTILLI IS CONTINUING WITH HIS ILLEGAL CONDUCT, ALL OF WHICH I WILL DOCUMENT FURTHER FOR YOU.

Sincerely,

Larry Klayman, Esq.
Founder of Judicial Watch and Freedom Watch
Private Counsel to Dr. Jerome Corsi

----- Forwarded message -----

From: **Larry Klayman** <leklayman@gmail.com>

Date: Tue, Feb 5, 2019 at 12:55 PM

Subject: The Pete Santilli Show – Raw ● Real ● Independent

To: Larry Klayman <leklayman@gmail.com>, Ethan Stone <ethan@renewamerica.com>

<https://thepetesantillishow.com/>

Pl be sure u copy anything about me off and also Corsi and stone



Oliver Peer <oliver.peerfw@gmail.com>

Fwd:**Larry Klayman** <leklayman@gmail.com>

Wed, Feb 6, 2019 at 12:41 PM

To: thomas_barbeau@ohsp.uscourts.gov

Cc: leklayman <leklayman@gmail.com>, Oliver Peer <oliver.peerfw@gmail.com>

Officer Barbeau:

This video links Santilli to Roger Stone and shows he collaboration with him. In it he defames me, the lawyer of a material witness, Dr. Jerome Corsi, in Stone's prosecution.

I have demanded that this be taken down but to no avail and Santilli's violation of the probation agreement and false statements to the public and the DC government continue.

I respectfully request that this be addressed by you on an expedited basis before more harm is done to my client and me, and even more importantly the administration of justice, which Santilli is attempting to again obstruct. He pled guilty to similar crimes in the Bundy prosecution.

This is an urgent matter. Pl call me at 310 595 0800. We need your immediate attention. As you may know I am the founder of Judicial Watch and Freedom Watch and I prefer to work through you rather than to go our national headquarters in Washington, D.C. at this time.

Thank you for your courtesy and immediate attention to this serious matter.

Larry Klayman, Esq.
Counsel to Dr. Jerome Corsi

----- Forwarded message -----

From: **Stephen Bogorad** <sab@bogoradrichards.com>

Date: Wed, Feb 6, 2019 at 10:18 AM

Subject:

To: Larry Klayman (leklayman@gmail.com) <leklayman@gmail.com>

https://www.youtube.com/watch?v=WlkpiK_Gk8A

Stephen A. Bogorad

Bogorad & Richards pLLC

209 madison street, ste 501

Alexandria, Virginia 22314

(703) 457-7820 (Main)

(703) 457-7822 (Direct)

sab@bogoradrichards.com

-



Superior Court of the District of Columbia
CIVIL DIVISION
Civil Actions Branch
500 Indiana Avenue, N.W., Suite 5000 Washington, D.C. 20001
Telephone: (202) 879-1133 Website: www.dccourts.gov

Larry Klayman

Plaintiff

vs.

Case Number _____

Peter Santilli

Defendant

SUMMONS

To the above named Defendant:

You are hereby summoned and required to serve an Answer to the attached Complaint, either personally or through an attorney, within twenty one (21) days after service of this summons upon you, exclusive of the day of service. If you are being sued as an officer or agency of the United States Government or the District of Columbia Government, you have sixty (60) days after service of this summons to serve your Answer. A copy of the Answer must be mailed to the attorney for the plaintiff who is suing you. The attorney's name and address appear below. If plaintiff has no attorney, a copy of the Answer must be mailed to the plaintiff at the address stated on this Summons.

You are also required to file the original Answer with the Court in Suite 5000 at 500 Indiana Avenue, N.W., between 8:30 a.m. and 5:00 p.m., Mondays through Fridays or between 9:00 a.m. and 12:00 noon on Saturdays. You may file the original Answer with the Court either before you serve a copy of the Answer on the plaintiff or within seven (7) days after you have served the plaintiff. If you fail to file an Answer, judgment by default may be entered against you for the relief demanded in the complaint.

Larry Klayman

Clerk of the Court

Name of Plaintiff's Attorney

2020 Pennsylvania Ave

Address

#800, Washington, DC, 20006

310-595-0800

Telephone

By _____

Deputy Clerk

Date _____

如需翻译,请打电话 (202) 879-4828

Veuillez appeler au (202) 879-4828 pour une traduction

Để có một bản dịch, hãy gọi (202) 879-4828

번역을 원하 시면, (202) 879-4828로 전화주세요. የአማርኛ ትርጉም ለማግኘት (202) 879-4828 ይደውሉ

IMPORTANT: IF YOU FAIL TO FILE AN ANSWER WITHIN THE TIME STATED ABOVE, OR IF, AFTER YOU ANSWER, YOU FAIL TO APPEAR AT ANY TIME THE COURT NOTIFIES YOU TO DO SO, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY DAMAGES OR OTHER RELIEF DEMANDED IN THE COMPLAINT. IF THIS OCCURS, YOUR WAGES MAY BE ATTACHED OR WITHHELD OR PERSONAL PROPERTY OR REAL ESTATE YOU OWN MAY BE TAKEN AND SOLD TO PAY THE JUDGMENT. IF YOU INTEND TO OPPOSE THIS ACTION, DO NOT FAIL TO ANSWER WITHIN THE REQUIRED TIME.

If you wish to talk to a lawyer and feel that you cannot afford to pay a fee to a lawyer, promptly contact one of the offices of the Legal Aid Society (202-628-1161) or the Neighborhood Legal Services (202-279-5100) for help or come to Suite 5000 at 500 Indiana Avenue, N.W., for more information concerning places where you may ask for such help.

See reverse side for Spanish translation

Vea al dorso la traducción al español

IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION

LARRY KLAYMAN, an individual
c/o Klayman Law Group P.A.
2020 Pennsylvania Ave NW #800
Washington, DC 20006

Plaintiff,

v.

PETER T. SANTILLI, an individual
1915 Mears Ave Apt 4
Cincinnati, OH 45230

Defendant.

COMPLAINT

2019 CA 000896 B

I. INTRODUCTION

Plaintiff Larry Klayman (“Plaintiff Klayman”) brings this action against Defendant Peter T. Santilli (“Santilli”) for Defamation, Intentional Infliction of Emotional Distress, and Assault.

II. PARTIES

1. Plaintiff, Larry Klayman, is an attorney and public interest advocate, syndicated radio talk show host (“Special Prosecutor with Larry Klayman” on Radio America) and private attorney who practices and broadcasts in this district and nationally.

2. Defendant Santilli is an individual, citizen of Ohio and a resident of Cincinnati, Ohio. Santilli pled guilty to conspiracy to impede or injure a federal officer in the criminal prosecution stemming from a stand-off at the Cliven Bundy ranch in 2014. *See United States v. Bundy et al*, 2:16-cr-46 (D. Nev.). *See Exhibit 1*. Defendant Santilli is currently on probation for two years. *Exhibit 2*. As set forth in this Complaint, he has violated his parole and his parole officer, Thomas Barbeau, in Cincinnati, Ohio has been so informed and is now conducting an investigation of the parole violations. *See Exhibit 5*.

III. STANDING

3. Plaintiff Klayman has standing to bring this action because he has been directly affected by the unlawful conduct complained herein in this district, nationally and internationally. His severe injuries and damage are directly and proximately related to the conduct of Defendant Santilli.

IV. FACTS

4. Defendant Santilli is a radio, Skype and You Tube talk show host who hosts “*The Pete Santilli Show*,” which is published on his show’s website, his own website and on YouTube in this judicial district, nationwide, and worldwide.

5. Defendant Santilli was indicted for his alleged role and felonious actions in the 2014 standoff between federal agents and supporters of Cliven Bundy in Bunkerville, Nevada. *See United States v. Bundy et al*, 2:16-cr-46 (D. Nev.) (the “*Bundy Case*”).

6. On October 6, 2017, Defendant Santilli pled guilty to the felony of conspiracy to impede or injure a federal officer in the *Bundy Case*. Exhibit 1.

7. As a result of Defendant Santilli’s plea deal where he pled guilty to felony charges, he was sentenced to two years of supervised release (parole), which he is currently subject to. Exhibit 2. As an integral part of the plea deal, Defendant Santilli effectively agreed to testify falsely against his co-defendants, including Plaintiff Klayman’s client Cliven Bundy. During his pleas and later sentencing, Defendant Santilli also made material false statements to the Court to try, *inter alia*, to lessen his sentence. The “Standard Conditions of Supervision,” to which he must now legally adhere as a convicted felon, read in relevant part at Paragraph 8 “You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact

with that person without first getting the permission of the parole officer.” The conditions of supervision also inherently prohibit making false statements to the government, which in the case of the District of Columbia, a federal enclave, would criminally violate 18 U.S.C. 1001 and other federal and state statutes and common law. The Standard Conditions of Supervision also provide at Paragraph 12 that the convicted felon, in this case Defendant Santilli, cannot pose a risk to other persons, in this case Plaintiff Klayman and his client Dr. Jerome Corsi, as well as the inherent prohibitions to not violate the law while on probation. *Id.*

8. Defendant Santilli is now working in concert with self proclaimed “dirty trickster” and at best “Mafia admirer,” if not actual Mafia connected Roger Stone (“Stone”), who himself was not coincidentally recently indicted on seven felony charges by Special Counsel Robert Mueller (“Mueller Indictment”) as part of his “Russian Collusion” investigation for the alleged crimes of perjury, witness tampering and obstruction of justice. The indictment comprises seven different felony counts. *See Exhibit 3* (“Mueller Indictment”).

9. Specifically, the seven count Mueller Indictment against Stone involves alleged lying under oath - that is, perjury - witness tampering and obstruction of justice by threatening to kill a material witness, Randy Credico (“Credico”) and his dog if Credico did not lie to government authorities concerning his involvement with Roger Stone. Credico is Person 2 in the Mueller Indictment of Defendant Stone. *Id.* Person 1 in this Mueller Indictment is Plaintiff Klayman’s client, Dr. Jerome Corsi (“Dr. Corsi”), who was not indicted along with Stone, as he testified truthfully to the grand jury. *Exhibit 3* (“Mueller Indictment”)

10. Even before Stone was indicted on seven felony counts, he had begun a public relations campaign in this district, nationally and internationally to smear, intimidate, coerce and threaten Dr. Corsi, a material witness in the “Russian Collusion” investigation, and who is being

represented by Plaintiff Klayman. Dr. Corsi has filed a Complaint for Defamation, Intentional Infliction of Emotional Distress and Assault against Stone. *Corsi v. Stone*, 1:19-cv-324 (D.D.C). The case was assigned as related to the Honorable Amy Berman Jackson, who is presiding over the Stone prosecution and then reassigned to the Honorable Timothy J. Kelly. Exhibit 4 (“Dr. Corsi Complaint”). The facts of that Complaint are incorporated herein by reference since Defendant Santilli has been working and colluding in concert with Stone, for profit, to intimidate, coerce, threaten and harm Plaintiff Klayman’s client Dr. Corsi, as well as Mr. Klayman.

11. Dr. Corsi has been named as a material witness to Stone’s upcoming criminal prosecution – likely to occur as early as the summer of 2019 - which has prompted Stone to try to intimidate, coerce and threaten Dr. Corsi by defaming and threatening him and his defense counsel, Plaintiff Klayman, which is ironically what he was largely criminally indicted for. Defendant Santilli and Stone know that the way to compound the harm and damage Dr. Corsi is for them to also defame and threaten and harm his lawyer, Plaintiff Klayman.

12. By defaming and threatening Dr. Corsi and Plaintiff Klayman, Defendant Santilli and Stone, acting in concert as joint tortfeasors, are hoping to not only intimidate Dr. Corsi and his counsel to severely harm and damage their reputations, but also to coerce and threaten Dr. Corsi to testify falsely if subpoenaed to be called as a material witness in Stone’s ensuing criminal trial. They are also actively intimidating, coercing, and threatening Dr. Corsi’s legal counsel, Plaintiff Klayman, and thus destroying his reputation, standing and ability to practice law and conduct other professional and personal endeavors in this district in particular. They are also trying to divert funds away from Dr. Corsi’s legal defense fund, while boosting Stone’s legal defense fund.

13. As a convicted felon whose radio and internet show was nonexistent during the two years of his imprisonment in a maximum security federal prison in Nevada, Defendant Santilli is working in concert with Stone to further Stone's witness tampering and obstruction of justice to illegally boost viewership on his renewed "The Pete Santilli Show" for his own financial gain and profit. Defendant Santilli obvious objective is that publishing these false, misleading, malicious defamatory statements with regard to Dr. Corsi and Plaintiff Klayman – who are currently at the center of national media attention –will bring additional listeners to his radio show and therefore create more revenue for his financial benefit. This illegal conduct is also a violation of Defendant Santilli's parole under the applicable Standard Conditions of Supervision as Defendant Santilli's Probation Officer Thomas Barbeau has been so duly informed. Exhibit 5 – "Correspondence with Officer Barbeau."

14. On February 4, 2019, in a video published on YouTube titled *Breaking Documents Show CNN Was Tipped Off By Mueller's Office Prior to Roger Stone's Arrest*,¹ Defendant Santilli admits his ties to Stone, saying at 1:50 that he received evidence from "Mr. Stone himself" that Mueller had tipped off CNN before Stone's arrest. He also has featured Stone on his broadcasts into this district and nationally.

15. Stone likes to portray himself as Mafia, and indeed may be Mafia, frequently making reference to Mafia figures who he admires, as well as other unsavory and criminal types who have been alleged to have engaged in unethical and/or illegal behavior. He frequently makes reference to his heroes being Hyman Roth in the "Godfather," who was the movie version of Meyer Lansky, and Roy Cohn, not to mention, Richard Nixon, for his role in Watergate. In this regard, after Stone was indicted on seven felony counts, he held a press conference on the

¹ <https://www.youtube.com/watch?v=Rvo2j9QpYpE&feature=youtu.be>

courthouse steps of the federal courthouse in Ft. Lauderdale, where he previously was booked and a bond hearing held, with his arms in the air in the “victory” pose used by Nixon after he resigned in disgrace as a result of the Watergate scandal. Ironically, Stone’s “hero” Nixon was forced to leave office as the President of the United States for the same alleged crimes for which Stone was indicted; namely witness tampering and obstruction of justice. As a young staffer, not coincidentally Stone had been employed by a Nixon group called CREEP, or the Committee to Reelect the President. Defendant Stone even has a large tattoo of Richard Nixon affixed to his back. Thus, given his admiration for persons such as these, and worse Mafia figures, his actions as pled herein, in concert with Defendant Santilli, a convicted felon, must be taken seriously as threats, as well as being defamatory. Tellingly, Stone threatened to kill a material witness and his dog, Credico, Person 2 in the Mueller Indictment, “Mafia style.” Defendant Stone also fashions himself and indeed has the reputation as being the preeminent “dirty trickster.” *See* “Get Me Roger Stone” on Netflix. Stone is proud of his unsavory underworld reputation. Importantly, Stone is a person who Defendant Santilli is now literally “in bed with” and who is he criminally assisting for his own profit.

16. Defendant Santilli’s ties to the recently indicted Stone, and his working in concert with Stone to engage in witness tampering and obstruction of justice by intimidating, threatening, and defaming Dr. Corsi and Plaintiff Klayman, are per se violations of his parole. *See* Exhibits 1-3 and 5. Furthermore, as part of his efforts to defame Plaintiff Klayman, Defendant Santilli has committed perjury pursuant to 18 U.S.C. 1001 and other federal and state statutes by filing a false ethics complaint against Plaintiff Klayman before the District of Columbia Bar, which is an agency of the D.C. government, as set forth in the following section.

Again, Defendant Santilli's parole officer has been made aware of these violations and has indicated that an investigation is underway. Exhibit 5.

17. As part of his role in working in concert with Stone, Defendant Santilli has himself published a number of false, malicious, and defamatory statements concerning Plaintiff Klayman in this judicial district, nationwide, and worldwide intended to tamper with and intimidate Dr. Corsi by also attacking, defaming and threatening his lawyer.

18. Defendant Santilli, in concert with Stone, has therefore engaged in illegal witness tampering and intimidation, in violation of 18 U.S.C. § 1512 by virtue of the defamatory acts and other illegal practices as alleged herein. His false statements to the District of Columbia Bar, a government agency in a federal enclave, are crimes in violation of 18 U.S.C. 1001 and other federal and state statutes and laws.

Defendant Santilli's Defamatory Statements

19. On Defendant Santilli's websites and elsewhere, he published a copy of an ethics complaint against Plaintiff Klayman that he purportedly filed with the District of Columbia Office of Bar Disciplinary Counsel (the "ODC Complaint"). A copy of the ODC Complaint remains available on Defendant Santilli's websites and elsewhere, despite Plaintiff Klayman's demand that he take it and other false and defamatory publications down.²

20. The ODC Complaint contains numerous malicious, false and misleading defamatory statements concerning Plaintiff Klayman.

21. The ODC Complaint falsely states, *inter alia*, that Plaintiff Klayman "promised [Defendant Santilli] ... that he would file a Civil/Bivens lawsuit against federal Judge Gloria Navarro, Harry Reid, President Obama, et. al. in an attempt to get relief for our unlawful

² <https://thepetesantillishow.com/episode-1463-the-pete-santilli-show-monday-january-28-2019/>

detention without due process” but that the *Bivens* Complaint was filed by Joel Hansen and was ultimately dismissed.

22. In actuality, however, Plaintiff Klayman never had any agreement to represent Defendant Santilli in any regard, which means that Plaintiff Klayman owed Defendant Santilli none of the alleged ethical duties assigned to a lawyer-client relationship. Indeed, Defendant Santilli’s own exhibit to the ODC Complaint shows that the *Bivens* Complaint was filed only on behalf of Cliven Bundy by another lawyer, and not by Plaintiff Klayman.

23. The ODC Complaint falsely states that Plaintiff Klayman forwarded Defendant Santilli’s confidential and privileged legal strategy and discovery material to then Attorney General Jeff Sessions.

24. In actuality, Plaintiff Klayman never forwarded any such information to Mr. Sessions, and since he never had an attorney-client relationship with Defendant Santilli, even if he had done so, it would not have been privileged. Moreover, Plaintiff Klayman never forwarded anything but public information to Mr. Sessions even on behalf of his client Cliven Bundy in an attempt to get the U.S. Department of Justice to end the prosecution.

25. However, this falsehood has already been published in this district, nationally and elsewhere and Plaintiff Klayman has already suffered severe damage to his reputation. A listener to Santilli’s show commented on investigative journalist and reporter Jason Goodman’s Crowdsourcethe Truth website and other public internet postings that, “Jason, Klayman gave the FBI all the evidence in this case. Klayman played this. He gave all the exculpatory evidence to Sessions.” This is just one example which shows that Defendant Santilli’s false and defamatory publications have already damaged Plaintiff Klayman’s reputation.

26. The ODC Complaint falsely states that Plaintiff Klayman was “incompetent in the use of computers and it wasn't until right before [sic] trial that we discovered that he had not been prepared by review our exhibits. This lack of preparation for trial is ultimately one of the primary reasons why I was forced to plead out in my case....”

27. In actuality, as set forth above, Plaintiff Klayman had no attorney-client relationship with Defendant Santilli, and was under no duty or responsibility to “review discovery” on behalf of Defendant Santilli. Defendant Santilli had his own attorneys representing him with regard to the *Bundy* Case – Joshua Tomsheck and Chris Rasmussen.

28. As set forth above in paragraph 24, Defendant Santilli further published these false and misleading defamatory statements to Jason Goodman, an investigative journalist and reporter who owns and operates Crowdsourcethe Truth.

29. Defendant Santilli also published to Jason Goodman, “I’ll talk to you when Larry Klayman gets disbarred for giving my discovery to Sessions. And not being prepared for trial 30 days from trial. And not following through on lawsuits.”

30. As set forth above, these statements are malicious, defamatory, and false and misleading.

31. Through Jason Goodman, Defendant Santilli also threatens Plaintiffs Klayman, saying “This is very serious stuff that you have no clue about and when it’s all said and done, Mr. Klayman is not going to fair well. Keeping arms length should help you, not hurt you.”

32. In a January 28, 2019 video posted on Defendant Santilli’s YouTube channel titled “*Major Complaint Filed Against Jerome Corsi’s Atty Larry Klayman - Roger Stone Live*”

w/Pete Santilli” Defendant Santilli makes further defamatory and threatening statements regarding Plaintiff Klayman.³ (the “YouTube Video”).

33. The YouTube Video further shows Defendant Santilli’s collaboration with the criminally indicted Stone, and it shows that Defendant Santilli is doing Stone’s criminal “dirty work” despite his parole and supervision by Officer Thomas Barbeau

34. Defendant Santilli discusses and publishes the ODC Complaint in the YouTube Video, republishing many of the same false and misleading malicious defamatory statements contained in the ODC Complaint. The totality of this broadcast is incorporated herein by reference including claims that Defendant Santilli was effectively out to destroy Plaintiff Klayman’s reputation and at 1:36 of the YouTube Video that he was ousted by the group which he founded, Judicial Watch, because of a sexual harassment complaint. In reality, Plaintiff Klayman voluntarily left Judicial Watch to run for the U.S. Senate and there was never any sexual harassment complaint. This is a complete lie. Not coincidentally, these are the same false and misleading statements which Stone has also published in this district, nationally and internationally, for which he is also being held to legally account. This is further proof that Defendant Santilli and Stone are working in concert.

35. At 1:26 of the YouTube Video, Defendant Santilli publishes, “In a predatory sense, Mr. Klayman has taken advantage of...Cliven Bundy.” Defendant Santilli later says, at 1:34. “I’m concerned about Larry Klayman exploiting Cliven Bundy as he did.” At 1:38 Defendant Santilli says “He kept taking money from Cliven Bundy and all of our supporters.”

36. These false and misleading malicious and defamatory published statements create the implication Plaintiff Klayman is dishonest, has stolen money and thus committed crimes and

³ https://www.youtube.com/watch?v=WIkpiK_Gk8A

taken advantage of his clients, when in actuality, he had successfully worked tirelessly to obtain justice for his client Cliven Bundy. In truth of fact, the indictment against Cliven Bundy, his sons and many other defendants was ultimately dismissed with prejudice. Defendant however chose to plead guilty as he did not have the courage to face trial, thus admitting his guilt in a plea agreement where he effectively agreed in an attempt to lessen his sentence for the commission of a felony, to testify against Cliven Bundy, his sons and the other defendants. As set forth below Defendant Santilli's actions, in concert with Stone, constitute defamation *per se*, where damages are presumed.

37. At 1:28 of the YouTube Video, Defendant Santilli publishes that "Klayman gave Jeff Sessions, Attorney General, our discovery package that I had prepared. I prepared a Jeff Sessions packed, prepared a presentation that Larry Klayman had promised that he was going to present to Jeff Sessions to get us some help." Defendant Santilli continues, ""Jeff sessions refused to meet with Larry Klayman and without our permission of all the Defendants, Cliven Bundy, everybody, we were shocked. Larry Klayman gave our package without our permission to Jeff sessions and our privileged legal documents were sent to the prosecution, essentially the equivalent of Robert Mueller."

38. In actuality, as set forth above, Plaintiff Klayman never forwarded ANY such information to Mr. Sessions, and since he never had an attorney-client relationship with Defendant Santilli, even if he had done so, it would not have been privileged. But it is totally false that any such package was forwarded to Mr. Sessions in any event, and Defendant Santilli, like the rest of his false statements, simply makes this up to promote his show, raise money and assist criminally indicted joint tortfeasor Roger Stone who he believes will be a springboard to his becoming a prominent and wealthy talk show host.

39. At 1:33 in the YouTube Video, Defendant Santilli falsely and maliciously published that Plaintiff Klayman committed “legal malpractice.”

40. 1:38 Defendant Santilli falsely and maliciously publishes, “Jerome Corsi is represented by a man who is already documented....as a PR guy. He was operating as a PR guy. He was filing lawsuits and he was doing that to get notoriety and fame on the backs of the Bundy Defendants.... One month prior to trial, I discovered that Mr. Larry Klayman was unprepared for trial, had not reviewed any of the exhibits, had not reviewed the months and months...of exhibits....30 days prior to trial, Mr. Klayman after having accepted I’m hearing upwards of hundreds of thousands of dollars was unprepared for trial.

41. As set forth above, Plaintiff Klayman had no attorney-client relationship with Defendant Santilli, and was under no duty or responsibility to “review discovery” on behalf of Defendant Santilli. Defendant Santilli had his own attorneys representing him with regard to the *Bundy* Case – Joshua Tomsheck and Chris Rasmussen. Plaintiff Klayman’s efforts at helping his client, Cliven Bundy, raise funds for his legal defense were on behalf of his client, Cliven Bundy. The rest of these published statements are also patently false.

42. Defendant Santilli’s false, misleading and malicious defamatory statements were published to harm and destroy Plaintiff Klayman’s reputation as an attorney and otherwise professionally and personally, and in turn, intimidate, coerce, and threaten his client, Dr. Corsi, who is likely to be subpoenaed as a material witness to testify in Stone’s criminal prosecution, Defendant Santilli’s co-conspirator and actor. This ironically constitutes and furthers the same witness tampering and obstruction of justice for which Stone has been criminally indicted, and thus Defendant Santilli, a convicted felon in his own right, is aiding and abetting Stone to commit more crimes, as well as himself committing serious crimes.

43. Defendant Santilli admitted his malicious intent on the YouTube Video, stating at 00:19, “that person’s name [Plaintiff Klayman] that everyone has come to respect because they've done a very fine job from a PR perspective in creating a... good name for themselves. I’m gonna certify as of today, unfortunately that person is not going to have as pristine of a reputation.” This conclusively shows his malicious intent to destroy Plaintiff Klayman’s reputation and severely harm him professionally and personally.

FIRST CAUSE OF ACTION
Defamation

44. Plaintiff re-alleges and incorporates by reference the allegations in the preceding paragraphs of the Complaint as if fully set forth herein.

45. Defendant Santilli published malicious, false, misleading and malicious defamatory statements of and concerning Plaintiff Klayman in this judicial district, nationwide, and worldwide.

46. This false and misleading statements were published with malice, as Defendant Santilli knew that they were false, or at a minimum acted with a reckless disregard for the truth.

47. Plaintiff Klayman has been severely harmed and damaged by these false and misleading statements because they subjected him to hatred, distrust, ridicule, contempt, and disgrace.

48. Plaintiff Klayman has been severely harmed and damaged by these false statements because they injured Plaintiff Klayman in his profession and business as a public interest and private lawyer, and personally.

SECOND CAUSE OF ACTION
Defamation Per Se

49. Plaintiff re-alleges and incorporates by reference the allegations in the preceding

paragraphs of the Complaint as if fully set forth herein.

50. Defendant Santilli, as alleged herein, published numerous malicious false, misleading and defamatory statements to severely harm and damage Plaintiff Klayman, which were republished in this district and nationally and elsewhere. The maliciously published falsities were that Plaintiff Klayman has committed crimes and engaged in moral turpitude, as set forth in the preceding paragraphs.

51. These malicious false, misleading defamatory statements were published in this district and on the internet in this district, nationally and for the entire world to see and hear. These malicious published statements contained false and misleading facts, *inter alia*, that Plaintiff's conduct, characteristics or a condition is incompatible with the proper exercise of his lawful business, trade, profession or office.

52. These threatening false and misleading statements were published with malice, as Defendant Santilli knew that they were false and misleading, and/or at a minimum acted with a reckless disregard for the truth.

53. This malicious statements are *per se* defamatory because they falsely accuse Plaintiff Klayman of sexual harassment and a related complaint - thereby falsely imputing a criminal offense upon Plaintiff Klayman - and him being "ousted" as the chairman and general counsel of Judicial Watch over this, as well as the other false and misleading published statements alleged herein, such as stealing monies.

54. These malicious false, misleading, and defamatory statements are defamatory *per se* and these false and misleading statements severely harmed and damaged Plaintiff Klayman in his profession and business as a lawyer and advocate, as they concern conduct and characteristics

incompatible with being a lawyer and defamed him personally in his private life and trade.

Damage is presumed by law when defamation *per se* is shown.

THIRD CAUSE OF ACTION

Defamation by Implication

55. Plaintiff re-alleges and incorporates by reference the allegations in the preceding paragraphs of the Complaint as if fully set forth herein.

56. Defendant Santilli published numerous malicious false, misleading and defamatory statements about Plaintiff Klayman, as set forth in the preceding paragraphs.

57. These malicious and threatening false, misleading and defamatory statements were published on the internet in this district, nationally and republished elsewhere in this district, nationally and for the entire world to see and hear.

58. These false and misleading threatening and intentionally destructive statements were published with malice, as Defendant Santilli knew that they were false and misleading, and/or at a minimum acted with a reckless disregard for the truth.

59. These statements created the malicious false and misleading implication that Plaintiff Klayman has been the subject of a sexual harassment complaint and committed criminal sexual offenses and stole monies, among the myriad of other malicious false and misleading threatening and intentionally destructive statements as pled in the preceding paragraphs.

60. Plaintiff Klayman has been severely harmed and damaged by these malicious false and misleading threatening and intentionally destructive statements because they subject him to hatred, distrust, ridicule, contempt, and disgrace.

61. Plaintiff Klayman has been damaged by these malicious false and misleading threatening and intentionally destructive statements because the statements severely harmed and

damaged Plaintiff Klayman in his profession and business as a public advocate and personally, as pled herein.

FOURTH CAUSE OF ACTION
Intentional Infliction of Emotional Distress

62. Plaintiff re-alleges and incorporates by reference the allegations in the preceding paragraphs of the Complaint as if fully set forth herein.

63. Defendant Santilli engaged in extreme and outrageous conduct by coercing and threatening Plaintiff Klayman, in a similar manner that his co-conspirator Stone has used to make death threats to at least one material witness involved in Special Counsel Mueller's Russian collusion investigation, such as Person 2 in the Mueller Indictment, Randy Credico. Exhibit 3 ("Mueller Indictment"). Stone has also threatened Plaintiff Klayman's client Dr. Jerome Corsi, as pled in the Complaint attached as Exhibit 4.

64. Defendant Santilli knowingly and intentionally threatened Plaintiff Klayman and his client Dr. Corsi, in concert with Stone. Exhibit 4.

65. The threats issued by Defendant Santilli are credible, as they are made in concert with Stone, who portrays himself as and may be a "mafia" figure, as set forth above.

66. Plaintiff Klayman did not consent to Defendant Santilli's conduct.

67. Defendant Santilli's extreme and outrageous conduct directly caused Plaintiff Klayman severe emotional distress and resulting severe harm and damage.

FIFTH CAUSE OF ACTION
Assault

68. Plaintiff re-alleges and incorporates by reference the allegations in the preceding paragraphs of the Complaint as if fully set forth herein.

69. Defendant Santilli placed Plaintiff Klayman in apprehension of an imminent harmful or offensive contact and physical harm and death, by coercing and threatening Plaintiff Klayman, in a similar manner that his co-conspirator Stone has used to make death threats to at least one material witness involved in Special Counsel Mueller's Russian collusion investigation, such as Person 2 in the Mueller Indictment, Randy Credico. Exhibit 3.

70. The threats issued and the outright ferocity of the malicious false and defamatory statements by Defendant Santilli intended to destroy Plaintiff Klayman professionally and personally are credible as set forth in paragraph 31 herein and elsewhere in this Complaint, as they are made in concert with Stone, who portrays himself as and may indeed be a "mafia" figure, as set forth above. Indeed, Defendant Santilli's conviction relates to using physical violence against federal officers and thus there is a prior pattern and practice of making physical and other threats to law enforcement officers. Plaintiff Klayman, a former federal prosecutor and the founder of Judicial Watch and Freedom Watch, is an officer of the court and has a history as a law enforcement officer.

71. Plaintiff Klayman did not consent to Defendant Santilli's conduct.

72. As a direct and proximate result of Defendant Santilli's wrongful and malicious conduct, Plaintiff Klayman suffered conscious pain, suffering, severe emotional distress and the fear of imminent serious bodily injury or death, particularly given Defendant Santilli's association and concerted actions with Stone, and other mental and physical injuries.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Klayman prays for relief and judgment against Defendant Santilli as follows:

a. Awarding Plaintiff Klayman compensatory and actual including consequential and

incidental and punitive damages in excess of \$ 15,000,000 million U.S. Dollars or in an amount to be determined by the jury.

- b. Awarding Plaintiff Klayman attorney's fees and costs.
- c. Granting any further relief as the Court deems appropriate including preliminary and permanent injunctive relief.

Plaintiff Klayman demands a jury trial on all counts so triable.

DATED: February 9, 2019

Respectfully submitted,

/s/ Larry Klayman

Larry Klayman, Esq.
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Email: leklayman@gmail.com
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Plaintiff Pro Se

EXHIBIT 1

UNITED STATES DISTRICT COURT

District of Nevada

UNITED STATES OF AMERICA

v.

PETER T. SANTILLI, JR.

true name

Peter T. Santilli

JUDGMENT IN A CRIMINAL CASE

Case Number: 2:16-cr-00046-GMN-PAL-5

USM Number: 79401-065

Chris T. Rasmussen, CJA

Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) 2 of the Superseding Indictment (ECF No. 27)☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

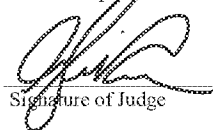
<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 USC § 372	Conspiracy to Impede or Injure a Federal Officer	3/2/2016	2

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.☐ The defendant has been found not guilty on count(s) _____☒ Count(s) all remaining ☐ is ☒ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

9/11/2018

Date of Imposition of Judgment



Signature of Judge

Gloria M. Navarro, Chief Judge U.S. District Court

Name and Title of Judge

September 16, 2018

Date

DEFENDANT: PETER T. SANTILLI, JR. true name Peter T. Santilli
CASE NUMBER: 2:16-cr-00046-GMN-PAL-5

IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of:

TIME SERVED

☐ The court makes the following recommendations to the Bureau of Prisons:

☐ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____.

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____.

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
a _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: PETER T. SANTILLI, JR. true name Peter T. Santilli

CASE NUMBER: 2:16-cr-00046-GMN-PAL-5

SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term of : TWO (2) YEARS

MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court, not to exceed 104 tests annually.
☐ The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. ☐ You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
5. ☒ You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
6. ☐ You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
7. ☐ You must participate in an approved program for domestic violence. *(check if applicable)*

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

DEFENDANT: PETER T. SANTILLI, JR. true name Peter T. Santilli
CASE NUMBER: 2:16-cr-00046-GMN-PAL-5

STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: www.uscourts.gov.

Defendant's Signature _____

Date _____

DEFENDANT: PETER T. SANTILLI, JR. true name Peter T. Santilli
CASE NUMBER: 2:16-cr-00046-GMN-PAL-5

SPECIAL CONDITIONS OF SUPERVISION

1. No Contact – You must not communicate, or otherwise interact, with victims, witness or co-defendants in this case, either directly or through someone else, without first obtaining the permission of the probation office.
2. Search and Seizure - You must submit your person, property, house, residence, vehicle, papers, computers (as defined in 18 U.S.C. § 1030(e)(1)), other electronic communications or data storage devices or media, or office, to a search conducted by a United States Probation Officer. Failure to submit to a search may be grounds for revocation of release. You must warn any other occupants that the premises may be subject to searches pursuant to this condition.

The probation officer may conduct a search under this condition only when reasonable suspicion exists that you have violated a condition of supervision and that the areas to be searched contain evidence of this violation. Any search must be conducted at a reasonable time and in a reasonable manner.

DEFENDANT: PETER T. SANTILLI, JR. true name Peter T. Santilli
CASE NUMBER: 2:16-cr-00046-GMN-PAL-5

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>JVTA Assessment*</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 100.00	\$	\$	\$

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss**</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>

TOTALS \$ _____ \$ _____

☐ Restitution amount ordered pursuant to plea agreement \$ _____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: PETER T. SANTILLI, JR. true name Peter T. Santilli
CASE NUMBER: 2:16-cr-00046-GMN-PAL-5

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A ☒ Lump sum payment of \$ 100.00 due immediately, balance due
- ☐ not later than _____, or
☐ in accordance with ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

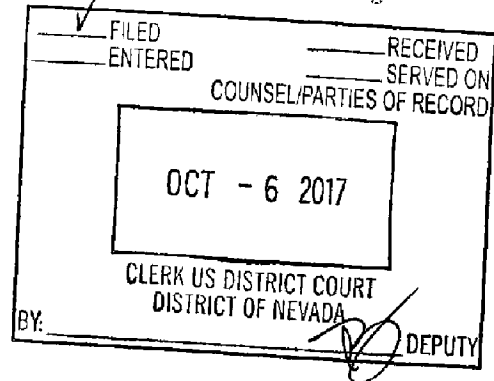
☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) J/TA assessment, (8) penalties, and (9) costs, including cost of prosecution and court costs.

EXHIBIT 2



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Attorneys for the United States

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

PETER T. SANTILLI,

Defendant.

2:16-cr-00046-GMN-PAL

PLEA AGREEMENT

The United States, by and through the undersigned, and the defendant, PETER T. SANTILLI, and his attorney, Chris Rasmussen, respectfully submit this Plea Agreement under Fed. R. Crim. P. 11(c)(1)(A) and (B).

I. SCOPE OF AGREEMENT

The parties to this Plea Agreement are the United States of America and the defendant, PETER T. SANTILLI. This Plea Agreement binds the defendant and the United States Attorney's Office for the District of Nevada. It does not bind any other prosecuting, administrative, or regulatory authority, the United States Probation

1 Office, or the Court.

2 The Plea Agreement sets forth the parties' agreement regarding criminal
3 charges referenced in the Plea Agreement and applicable sentences, fines,
4 restitution and forfeiture. It does not control or prohibit the United States or any
5 agency or third party from seeking any other civil or administrative remedies
6 directly or indirectly against the defendant.

7 **II. DISPOSITION OF CHARGES AND WAIVER OF TRIAL RIGHTS**

8 A. Guilty Plea. The defendant knowingly and voluntarily agrees to plead
9 guilty to Count Two of the Superseding Indictment filed on March 2, 2016, charging
10 Conspiracy to Impede or Injure a Federal Officer, in violation of Title 18, United
11 States Code, Sections 372.

12 B. Waiver of Trial Rights. The defendant acknowledges that he has been
13 advised and understands that by entering a plea of guilty he is waiving -- that is,
14 giving up -- certain rights guaranteed to all defendants by the laws and the
15 Constitution of the United States. Specifically, the defendant is giving up:

16 1. The right to proceed to trial by jury on all charges, or to a trial
17 by a judge if the defendant and the United States both agree;

18 2. The right to confront the witnesses against the defendant at trial
19 and to cross examine them;

20 3. The right to remain silent at such a trial, with assurance that his
21 silence could not be used against him in any way;

22 4. The right to testify in his own defense at such a trial if he so
23 chooses;

1 5. The right to compel witnesses to appear at such a trial and testify
2 in the defendant's behalf; and

3 6. The right to have the assistance of an attorney at all stages of
4 such proceedings.

5 C. Withdrawal of Guilty Plea. The defendant will not seek to withdraw
6 his guilty plea after he has entered it in court.

7 D. Dismissal of Charges. After the Court has adjudged a sentence in this
8 case, the government will move to dismiss all remaining charges in the Superseding
9 Indictment.

10 E. Additional Charges. The United States agrees not to bring any
11 additional charges against the defendant arising out of the investigation in the
12 District of Nevada which culminated in this Plea Agreement or for conduct known
13 to the United States at the time of this Agreement.

14 **III. ELEMENTS OF THE OFFENSE**

15 The elements of Conspiracy to Impede or Injure a Federal Officer in violation
16 of Title 18, United States Code, Section 372 are as follows:

17 1. From on or about March 28, 2014, to on or about March 2, 2016, there was
18 an agreement between two or more persons to:

19 a. prevent, by force, intimidation, or threats, federal law enforcement
20 officers from discharging the duties of their office under the United
21 States, or

22 b. induce, by force, intimidation, or threats, any federal law
23 enforcement officer of the United States to leave the place where

1 their duties were required to be performed; and

- 2 2. That the defendant became a member of the conspiracy knowing of at least
3 one of its objects and intending to help accomplish it.

4 **IV. FACTS SUPPORTING GUILTY PLEA**

5 A. The defendant will plead guilty because he is, in fact and under the law,
6 guilty of the crime charged.

7 B. The defendant acknowledges that if he elected to go to trial instead of
8 pleading guilty, the United States could prove his guilt beyond a reasonable doubt.
9 The defendant further acknowledges that his admissions and declarations of fact set
10 forth below satisfy every element of the charged offense.

11 C. The defendant waives any potential future claim that the facts he
12 admitted in this Plea Agreement were insufficient to satisfy the elements of the
13 charged offense.

14 D. The defendant admits and declares under penalty of perjury that the
15 facts set forth below are true and correct:

- 16 1. Beginning on or around March 28, 2014, federal law enforcement officers from
17 the United States Department of Interior, Bureau of Land Management and
18 National Park Service were engaged in the official duties of executing federal
19 court orders to remove and impound cattle trespassing upon federal public
20 lands in and around Bunkerville, Nevada, the cattle belonging to Cliven
21 Bundy, a local rancher.
- 22 2. Defendant Santilli knew that Cliven Bundy and his sons, Ammon, Dave, Mel,
23 and Ryan, (collectively, "the Bundys"), and others associated with them,
 planned to thwart, impede and interfere with impoundment operations.
3. On April 9, 2014, Defendant Santilli used force to prevent officers from
 discharging their duties by using his vehicle to block BLM law enforcement

1 officers and civilian employees as they were performing their duties related to
2 the impoundment.

3 4. Defendant Santilli drove his vehicle straight toward a BLM law enforcement
4 officer's vehicle, preventing the officer and the rest of the convoy behind him
5 from being able to move forward.

6 5. The officer ordered Defendant Santilli to move out of the way but Defendant
7 Santilli continued to block the convoy's path. Defendant Santilli finally
8 reversed his vehicle out of the path of the convoy only after the officer repeated
9 the command several times.

10 6. By using force to block the convoy, Defendant Santilli allowed others to
11 surround the convoy and threaten the occupants of the vehicles by force
12 violence and fear, inducing the officers to leave the place where their duties
13 were required to be performed.

14 7. Defendant Santilli acknowledges that all of the above took place within the
15 State and Federal District of Nevada.

16 **V. COLLATERAL USE OF FACTUAL ADMISSIONS**

17 The facts set forth in Section IV of this Plea Agreement shall be admissible
18 against the defendant under Fed. R. Evid. 801(d)(2)(A) at sentencing for any purpose.
19 If the defendant does not plead guilty or withdraws his guilty pleas, the facts set
20 forth in Section IV of this Plea Agreement shall be admissible at any proceeding,
21 including a trial, for impeaching or rebutting any evidence, argument or
22 representation offered by or on the defendant's behalf. The defendant expressly
23 waives all rights under Fed. R. Crim. P. 11(f) and Fed. R. Evid. 410 regarding the
use of the facts set forth in Section IV of this Plea Agreement.

24 **VI. APPLICATION OF SENTENCING GUIDELINES PROVISIONS**

25 **A. Discretionary Nature of Sentencing Guidelines.** The defendant

acknowledges that the Court must consider the United States Sentencing Guidelines (“USSG” or “Sentencing Guidelines”) in determining the defendant’s sentence, but that the Sentencing Guidelines are advisory, not mandatory, and the Court has discretion to impose any reasonable sentence up to the maximum term of imprisonment permitted by statute.

B. Offense Level Calculations. The parties stipulate to the following calculation of the defendant’s offense level under the Sentencing Guidelines, acknowledge that these stipulations do not bind the Court, and agree that they will not seek to apply any other specific offense characteristics, enhancements or reductions under the Sentencing Guidelines:

Base offense level (USSG §§ 2X1.1, 2A2.4(a))	10
Special Offense Characteristics	
Official victim (USSG § 3A1.2(b))	+6
Offense was calculated to influence or affect the conduct of the government by intimidation or coercion (USSG § 3A1.4, comment n. 4))	+5
Adjusted Offense Level	21
Acceptance (USSG §§ 3E1.1(a) and (b))	(2)
Total Adjusted Offense Level	19
Variance for Timely Resolution	(4)
Total Offense Level	<u>15</u>

The defendant acknowledges that the statutory maximum sentence and any statutory minimum sentence limit the Court’s discretion in determining the defendant’s sentence notwithstanding any applicable Sentencing Guidelines provisions.

1 C. Reduction of Offense Level for Acceptance of Responsibility. Under
2 USSG § 3E1.1(a), the United States will recommend that the defendant receive a
3 two-level downward adjustment for acceptance of responsibility unless he (a) fails to
4 truthfully admit facts establishing a factual basis for the guilty plea when he enters
5 the plea; (b) fails to truthfully admit facts establishing the amount of restitution
6 owed when he enters his guilty plea; (c) fails to truthfully admit facts establishing
7 the forfeiture allegations when he enters his guilty plea; (d) provides false or
8 misleading information to the United States, the Court, Pretrial Services, or the
9 Probation Office; (e) denies involvement in the offense or provides conflicting
10 statements regarding his involvement or falsely denies or frivolously contests
11 conduct relevant to the offense; (f) attempts to withdraw his guilty plea; (g) commits
12 or attempts to commit any crime; (h) fails to appear in court; or (i) violates the
13 conditions of pretrial release. These Sentencing Guidelines provisions, if applied,
14 will result in a total adjusted offense level of 15, as stated above.

15 D. Variance Outside Advisory Guidelines Under 18 U.S.C. § 3553. As
16 consideration for the defendant's timely resolution of a complex, multi-defendant
17 matter, which allows the government to conserve and efficiently use its resources,
18 the parties agree to a four-level reduction to the adjusted offense level as a variance
19 outside the USSG Guideline System under Title 18, United States Code, Section
20 3553. The variance is based on the defendant's willingness to resolve the case as
21 seven defendants head to a joint trial, resulting in substantial savings of time and
22 expense to the United States government. If applied, this adjustment will result in
23 a Total Offense Level of 15, as delineated above.

1 E. Criminal History Category. The defendant acknowledges that the
2 Court may base its sentence in part on his criminal record or criminal history and
3 that the Court will determine the defendant's Criminal History Category under the
4 Sentencing Guidelines.

5 F. Relevant Conduct. The Court may consider all relevant conduct,
6 whether charged or uncharged, in determining the applicable Sentencing Guidelines
7 range and whether to depart from that range.

8 G. Additional Sentencing Information. The stipulated Sentencing
9 Guidelines calculations are based on information now known to the parties. The
10 parties may provide additional information to the United States Probation Office
11 and the Court regarding the nature, scope, and extent of the defendant's criminal
12 conduct and any aggravating or mitigating facts or circumstances. Good faith efforts
13 to provide truthful information or to correct factual misstatements shall not be
14 grounds for the defendant to withdraw his guilty plea.

15 The parties further agree that other than the stipulated guidelines
16 calculations, neither party will argue for additional adjustments, enhancements, or
17 departures under the Sentencing Guidelines. The defendant, however, is free to
18 argue for further variances from the Guideline calculations under Title 18, United
19 States Code, Section 3553.

20 The defendant acknowledges that the United States Probation Office may
21 calculate the Sentencing Guidelines differently and may rely on additional
22 information it obtains through its investigation. The defendant also acknowledges
23 that the Court may rely on this and other additional information as it calculates the

1 Sentencing Guidelines range and makes other sentencing determinations as
2 appropriate, and that the Court's reliance on such information shall not be grounds
3 for the defendant to withdraw his guilty plea.

4 **VII. APPLICATION OF SENTENCING STATUTES**

5 A. Maximum Penalty. Count 2: The maximum penalty for Conspiracy to
6 Impede or Injure a Federal Officer under 18 U.S.C. § 372 is 6 years imprisonment, a
7 fine of \$250,000, or both.

8 B. Factors Under 18 U.S.C. § 3553. The Court must consider the factors
9 set forth in 18 U.S.C. § 3553(a) in determining the defendant's sentence. However,
10 the statutory maximum sentence and any statutory minimum sentence limit the
11 Court's discretion in determining the defendant's sentence.

12 C. Parole Abolished. The defendant acknowledges that his prison
13 sentence cannot be shortened by early release on parole because parole has been
14 abolished.

15 D. Supervised Release. In addition to imprisonment and a fine, the
16 defendant will be subject to a term of supervised release not greater than three (3)
17 years. 18 U.S.C. § 3583(b)(1). Supervised release is a period of time after release
18 from prison during which the defendant will be subject to various restrictions and
19 requirements. If the defendant violates any condition of supervised release, the
20 Court may order the defendant's return to prison for all or part of the term of
21 supervised release, which could result in the defendant serving a total term of
22 imprisonment greater than the statutory maximum prison sentence.

23 E. Special Assessment. The defendant will pay a \$100 special assessment

1 per count at the time of sentencing.

2 **VIII. POSITIONS REGARDING SENTENCE**

3 The parties agree that as a part of the sentence in this case, the parties will
4 jointly recommend at the time of sentencing a sentence of imprisonment for a period
5 of the time served measured from January 26, 2016, either as a USSG Guideline
6 Sentence, a sentence under Title 18, United States Code, Section 3553(a), or both.
7 The parties further agree to jointly recommend a period of supervised release of
8 three years to follow the sentence of imprisonment imposed by the Court.

9 The defendant acknowledges that the Court does not have to follow this
10 recommendation.

11 **IX. RESTITUTION**

12 The parties agree that restitution is not mandatory based on the crime to
13 which he has pleaded guilty. As a further part of this plea agreement, the
14 government does not intend to seek non-mandatory restitution in connection with
15 the events giving rise to the Superseding Indictment.

16 **X. FORFEITURE**

17 The government agrees to dismiss any forfeiture counts following imposition
18 of sentence in this case and will not pursue any forfeiture in connection with the
19 events giving rise to the Superseding Indictment.

20 **XI. FINANCIAL INFORMATION AND DISPOSITION OF ASSETS**

21 Before or after sentencing, or upon request by the Court, the United States,
22 or the Probation Office, the defendant will provide accurate and complete financial
23 information, submit sworn statements, and/or give depositions under oath

1 concerning his assets. The defendant will release such funds and property under his
2 control in order to pay any assessment and/or fine imposed by the Court.

3 **XII. RELEASE PENDING IMPOSITION OF SENTENCE**

4 As of the date of this Agreement, the defendant remains subject to an Order
5 of pretrial detention. Following the entry of defendant's pleas of guilty pursuant to
6 the terms of this agreement, the government will recommend to the Court that the
7 defendant be released from pretrial detention on his own recognizance pending the
8 imposition of sentence and subject to an Order of Release that includes, but is not
9 limited to, the following agreed upon terms and conditions:

- 10 1. The defendant will not violate any federal, state or local law.
- 11 2. The defendant must immediately advise the court, defense
12 counsel, and the U.S. Attorney in writing before changing
address or telephone number.
- 13 3. The defendant must appear in court as required.
- 14 4. The defendant must report to a United States Pretrial
Services Office as directed.
- 15 5. The defendant must actively seek and/or maintain employment
16 and notify U.S. Pretrial Services before making any change in
employment.
- 17 6. The defendant will not use or possess any illegal or controlled
18 substances and will not knowingly associate or reside with
anyone who does.
- 19 7. The defendant will submit to drug/alcohol testing as directed by
20 U.S. Pretrial Services.
- 21 8. The defendant will not possess a firearm, destructive device, or
22 other dangerous weapon.
- 23 9. The defendant will not travel outside the State and Federal
District of Nevada except as approved by U.S. Pretrial Services
and with notice to the United States Attorney's Office.

10. The defendant will surrender any passport to U.S. Pretrial Services and will not obtain any passport or other travel documents.

The defendant understands that the Court is not bound by the recommendation of the government regarding pretrial release and is free either to continue detention or impose such other terms and conditions of release as it deems appropriate under the circumstances.

XIII. THE DEFENDANT'S ACKNOWLEDGMENTS AND WAIVERS

A. Plea Agreement and Decision to Plead Guilty. The defendant acknowledges that:

1. He has read this Plea Agreement and understands its terms and conditions;

2. He has had adequate time to discuss this case, the evidence, and this Plea Agreement with his attorney;

3. He has discussed the terms of this Plea Agreement with his attorney;

4. The representations contained in this Plea Agreement are true and correct, including the facts set forth in Section IV; and

5. He was not under the influence of any alcohol, drug, or medicine that would impair his ability to understand the Agreement when he considered signing this Plea Agreement and when he signed it.

The defendant understands that he alone decides whether to plead guilty or go to trial, and acknowledges that he has decided to enter his guilty plea knowing of the charges brought against him, his possible defenses, and the benefits and possible

1 detriments of proceeding to trial. The defendant also acknowledges that he decided
2 to plead guilty voluntarily and that no one coerced or threatened him to enter into
3 this Plea Agreement.

4 B. Waiver of Appeal and Post-Conviction Proceedings. The defendant
5 knowingly and expressly waives: (a) the right to appeal any sentence imposed within
6 or below the applicable Sentencing Guideline range as determined by the Court; (b)
7 the right to appeal the manner in which the Court determined that sentence on the
8 grounds set forth in 18 U.S.C. § 3742; and (c) the right to appeal any other aspect of
9 the conviction or sentence and any order of restitution or forfeiture.

10 The defendant also knowingly and expressly waives all collateral challenges,
11 including any claims under 28 U.S.C. § 2255, to his conviction, sentence, and the
12 procedure by which the Court adjudicated guilt and imposed sentence, except non-
13 waivable claims of ineffective assistance of counsel.

14 The defendant reserves only the right to appeal any portion of the sentence
15 that is an upward departure from the Sentencing Guidelines range determined by
16 the Court.

17 The defendant acknowledges that the United States is not obligated or
18 required to preserve any evidence obtained in the investigation of this case.

19 C. Removal/Deportation Consequences. The defendant understands and
20 acknowledges that if he is not a United States citizen, then it is highly probable that
21 he will be permanently removed (deported) from the United States as a consequence
22 of pleading guilty under the terms of this Plea Agreement. The defendant has also
23 been advised if his conviction is for an offense described in 8 U.S.C. § 1101(a)(43), he

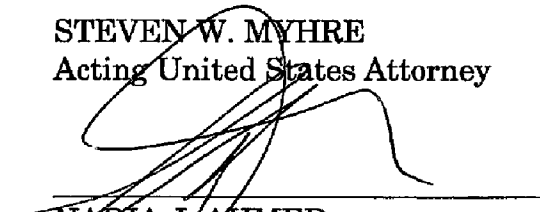
1 will be deported and removed from the United States and will not be allowed to
2 return to the United States at any time in the future. The defendant desires to plead
3 guilty regardless of any immigration consequences that may result from his guilty
4 plea, even if the consequence is automatic removal from the United States with no
5 possibility of returning. The defendant acknowledges that he has specifically
6 discussed these removal/deportation consequences with his attorney.

XIV. ADDITIONAL ACKNOWLEDGMENTS

This Plea Agreement resulted from an arms-length negotiation in which both parties bargained for and received valuable benefits in exchange for valuable concessions. It constitutes the entire agreement negotiated and agreed to by the parties. No promises, agreements or conditions other than those set forth in this agreement have been made or implied by the defendant, the defendant's attorney, or the United States, and no additional promises, agreements or conditions shall have any force or effect unless set forth in writing and signed by all parties or confirmed on the record before the Court.

STEVEN W. MYHRE
Acting United States Attorney

10-6-17
DATE


NADIA J. AHMED
DANIEL R. SCHIESS
Assistant United States Attorneys
ERIN M. CREEGAN
Special Assistant United States Attorney

10/6/17
DATE


CHRIS RASMUSSEN
Counsel for Defendant

10-6-17
DATE

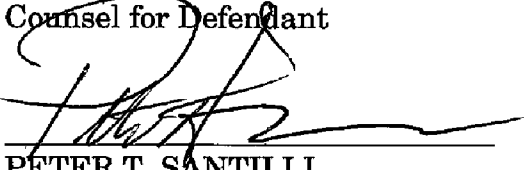

PETER T. SANTILLI
Defendant

EXHIBIT 3

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

ROGER JASON STONE, JR.,

Defendant.

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*
*

CRIMINAL NO.

Grand Jury Original

18 U.S.C. §§ 1001, 1505, 1512, 2

INDICTMENT

The Grand Jury for the District of Columbia charges:

Introduction

1. By in or around May 2016, the Democratic National Committee (“DNC”) and the Democratic Congressional Campaign Committee (“DCCC”) became aware that their computer systems had been compromised by unauthorized intrusions and hired a security company (“Company 1”) to identify the extent of the intrusions.
2. On or about June 14, 2016, the DNC—through Company 1—publicly announced that it had been hacked by Russian government actors.
3. From in or around July 2016 through in or around November 2016, an organization (“Organization 1”), which had previously posted documents stolen by others from U.S. persons, entities, and the U.S. government, released tens of thousands of documents stolen from the DNC and the personal email account of the chairman of the U.S. presidential campaign of Hillary Clinton (“Clinton Campaign”).

- a. On or about July 22, 2016, Organization 1 released documents stolen from the DNC.
 - b. Between on or about October 7, 2016 and on or about November 7, 2016, Organization 1 released approximately 33 tranches of documents that had been stolen from the personal email account of the Clinton Campaign chairman, totaling over 50,000 stolen documents.
4. ROGER JASON STONE, JR. was a political consultant who worked for decades in U.S. politics and on U.S. political campaigns. STONE was an official on the U.S. presidential campaign of Donald J. Trump ("Trump Campaign") until in or around August 2015, and maintained regular contact with and publicly supported the Trump Campaign through the 2016 election.
5. During the summer of 2016, STONE spoke to senior Trump Campaign officials about Organization 1 and information it might have had that would be damaging to the Clinton Campaign. STONE was contacted by senior Trump Campaign officials to inquire about future releases by Organization 1.
6. By in or around early August 2016, STONE was claiming both publicly and privately to have communicated with Organization 1. By in or around mid-August 2016, Organization 1 made a public statement denying direct communication with STONE. Thereafter, STONE said that his communication with Organization 1 had occurred through a person STONE described as a "mutual friend," "go-between," and "intermediary." STONE also continued to communicate with members of the Trump Campaign about Organization 1 and its intended future releases.
7. After the 2016 U.S. presidential election, the U.S. House of Representatives Permanent Select Committee on Intelligence ("HPSCI"), the U.S. Senate Select Committee on Intelligence ("SSCI"), and the Federal Bureau of Investigation ("FBI") opened or announced their respective

investigations into Russian interference in the 2016 U.S. presidential election, which included investigating STONE's claims of contact with Organization 1.

8. In response, STONE took steps to obstruct these investigations. Among other steps to obstruct the investigations, STONE:

- a. Made multiple false statements to HPSCI about his interactions regarding Organization 1, and falsely denied possessing records that contained evidence of these interactions; and
- b. Attempted to persuade a witness to provide false testimony to and withhold pertinent information from the investigations.

Other Relevant Individuals

9. Person 1 was a political commentator who worked with an online media publication during the 2016 U.S. presidential campaign. Person 1 spoke regularly with STONE throughout the campaign, including about the release of stolen documents by Organization 1.

10. Person 2 was a radio host who had known STONE for more than a decade. In testimony before HPSCI on or about September 26, 2017, STONE described Person 2 (without naming him) as an "intermediary," "go-between," and "mutual friend" to the head of Organization 1. In a follow-up letter to HPSCI dated October 13, 2017, STONE identified Person 2 by name and claimed Person 2 was the "gentleman who confirmed for Mr. Stone" that the head of Organization 1 had "[e]mails related to Hillary Clinton which are pending publication."

Background

STONE's Communications About Organization 1 During the Campaign

11. By in or around June and July 2016, STONE informed senior Trump Campaign officials that he had information indicating Organization 1 had documents whose release would be

damaging to the Clinton Campaign. The head of Organization 1 was located at all relevant times at the Ecuadorian Embassy in London, United Kingdom.

12. After the July 22, 2016 release of stolen DNC emails by Organization 1, a senior Trump Campaign official was directed to contact STONE about any additional releases and what other damaging information Organization 1 had regarding the Clinton Campaign. STONE thereafter told the Trump Campaign about potential future releases of damaging material by Organization 1.

13. STONE also corresponded with associates about contacting Organization 1 in order to obtain additional emails damaging to the Clinton Campaign.

- a. On or about July 25, 2016, STONE sent an email to Person 1 with the subject line, "Get to [the head of Organization 1]." The body of the message read, "Get to [the head of Organization 1] [a]t Ecuadorian Embassy in London and get the pending [Organization 1] emails . . . they deal with Foundation, allegedly." On or about the same day, Person 1 forwarded STONE's email to an associate who lived in the United Kingdom and was a supporter of the Trump Campaign.
- b. On or about July 31, 2016, STONE emailed Person 1 with the subject line, "Call me MON." The body of the email read in part that Person 1's associate in the United Kingdom "should see [the head of Organization 1]."
- c. On or about August 2, 2016, Person 1 emailed STONE. Person 1 wrote that he was currently in Europe and planned to return in or around mid-August. Person 1 stated in part, "Word is friend in embassy plans 2 more dumps. One shortly after I'm back. 2nd in Oct. Impact planned to be very damaging." The phrase "friend in embassy" referred to the head of Organization 1. Person 1 added in the same email, "Time to let more than [the Clinton Campaign chairman] to be exposed as in bed w

enemy if they are not ready to drop HRC. That appears to be the game hackers are now about. Would not hurt to start suggesting HRC old, memory bad, has stroke – neither he nor she well. I expect that much of next dump focus, setting stage for Foundation debacle.”

14. Starting in early August 2016, after receiving the August 2, 2016 email from Person 1, STONE made repeated statements about information he claimed to have learned from the head of Organization 1.

- a. On or about August 8, 2016, STONE attended a public event at which he stated, “I actually have communicated with [the head of Organization 1]. I believe the next tranche of his documents pertain to the Clinton Foundation, but there’s no telling what the October surprise may be.”
- b. On or about August 12, 2016, STONE stated during an interview that he was “in communication with [the head of Organization 1]” but was “not at liberty to discuss what I have.”
- c. On or about August 16, 2016, STONE stated during an interview that “it became known on this program that I have had some back-channel communication with [Organization 1] and [the head of Organization 1].” In a second interview on or about the same day, STONE stated that he “communicated with [the head of Organization 1]” and that they had a “mutual acquaintance who is a fine gentleman.”
- d. On or about August 18, 2016, STONE stated during a television interview that he had communicated with the head of Organization 1 through an “intermediary, somebody who is a mutual friend.”

- e. On or about August 23, 2016, Person 2 asked STONE during a radio interview, “You’ve been in touch indirectly with [the head of Organization 1]. . . . Can you give us any kind of insight? Is there an October surprise happening?” STONE responded, “Well, first of all, I don’t want to intimate in any way that I control or have influence with [the head of Organization 1] because I do not. . . . We have a mutual friend, somebody we both trust and therefore I am a recipient of pretty good information.”

15. Beginning on or about August 19, 2016, STONE exchanged written communications, including by text message and email, with Person 2 about Organization 1 and what the head of Organization 1 planned to do.

- a. On or about August 19, 2016, Person 2 sent a text message to STONE that read in part, “I’m going to have [the head of Organization 1] on my show next Thursday.” On or about August 21, 2016, Person 2 sent another text message to STONE, writing in part, “I have [the head of Organization 1] on Thursday so I’m completely tied up on that day.”
- b. On or about August 25, 2016, the head of Organization 1 was a guest on Person 2’s radio show for the first time. On or about August 26, 2016, Person 2 sent a text message to STONE that stated, “[the head of Organization 1] talk[ed] about you last night.” STONE asked what the head of Organization 1 said, to which Person 2 responded, “He didn’t say anything bad we were talking about how the Press is trying to make it look like you and he are in cahoots.”
- c. On or about August 27, 2016, Person 2 sent text messages to STONE that said, “We are working on a [head of Organization 1] radio show,” and that he (Person 2) was

“in charge” of the project. In a text message sent later that day, Person 2 added, “[The head of Organization 1] has kryptonite on Hillary.”

- d. On or about September 18, 2016, STONE sent a text message to Person 2 that said, “I am e-mailing u a request to pass on to [the head of Organization 1].” Person 2 responded “Ok,” and added in a later text message, “[j]ust remember do not name me as your connection to [the head of Organization 1] you had one before that you referred to.”
 - i. On or about the same day, September 18, 2016, STONE emailed Person 2 an article with allegations against then-candidate Clinton related to her service as Secretary of State. STONE stated, “Please ask [the head of Organization 1] for any State or HRC e-mail from August 10 to August 30—particularly on August 20, 2011 that mention [the subject of the article] or confirm this narrative.”
 - ii. On or about September 19, 2016, STONE texted Person 2 again, writing, “Pass my message . . . to [the head of Organization 1].” Person 2 responded, “I did.” On or about September 20, 2016, Person 2 forwarded the request to a friend who was an attorney with the ability to contact the head of Organization 1. Person 2 blind-copied STONE on the forwarded email.
- e. On or about September 30, 2016, Person 2 sent STONE via text message a photograph of Person 2 standing outside the Ecuadorian Embassy in London where the head of Organization 1 was located.

- f. On or about October 1, 2016, which was a Saturday, Person 2 sent STONE text messages that stated, “big news Wednesday . . . now pretend u don’t know me . . . Hillary’s campaign will die this week.” In the days preceding these messages, the press had reported that the head of Organization 1 planned to make a public announcement on or about Tuesday, October 4, 2016, which was reported to be the ten-year anniversary of the founding of Organization 1.
 - g. On or about October 2, 2016, STONE emailed Person 2, with the subject line “WTF?,” a link to an article reporting that Organization 1 was canceling its “highly anticipated Tuesday announcement due to security concerns.” Person 2 responded to STONE, “head fake.”
 - h. On or about the same day, October 2, 2016, STONE texted Person 2 and asked, “Did [the head of Organization 1] back off.” On or about October 3, 2016, Person 2 initially responded, “I can’t tal[k] about it.” After further exchanges with STONE, Person 2 said, “I think it[’]s on for tomorrow.” Person 2 added later that day, “Off the Record Hillary and her people are doing a full-court press they [*sic*] keep [the head of Organization 1] from making the next dump . . . That’s all I can tell you on this line . . . Please leave my name out of it.”
16. In or around October 2016, STONE made statements about Organization 1’s future releases, including statements similar to those that Person 2 made to him. For example:
- a. On or about October 3, 2016, STONE wrote to a supporter involved with the Trump Campaign, “Spoke to my friend in London last night. The payload is still coming.”
 - b. Also on or about October 3, 2016, STONE received an email from a reporter who had connections to a high-ranking Trump Campaign official that asked, “[the head

of Organization 1] – what’s he got? Hope it’s good.” STONE responded in part, “It is. I’d tell [the high-ranking Trump Campaign official] but he doesn’t call me back.”

- c. On or about October 4, 2016, the head of Organization 1 held a press conference but did not release any new materials pertaining to the Clinton Campaign. Shortly afterwards, STONE received an email from the high-ranking Trump Campaign official asking about the status of future releases by Organization 1. STONE answered that the head of Organization 1 had a “[s]erious security concern” but that Organization 1 would release “a load every week going forward.”
- d. Later that day, on or about October 4, 2016, the supporter involved with the Trump Campaign asked STONE via text message if he had “hear[d] anymore from London.” STONE replied, “Yes - want to talk on a secure line - got Whatsapp?” STONE subsequently told the supporter that more material would be released and that it would be damaging to the Clinton Campaign.

17. On or about October 7, 2016, Organization 1 released the first set of emails stolen from the Clinton Campaign chairman. Shortly after Organization 1’s release, an associate of the high-ranking Trump Campaign official sent a text message to STONE that read “well done.” In subsequent conversations with senior Trump Campaign officials, STONE claimed credit for having correctly predicted the October 7, 2016 release.

The Investigations

18. In or around 2017, government officials publicly disclosed investigations into Russian interference in the 2016 U.S. presidential election and possible links to individuals associated with the campaigns.

- a. On or about January 13, 2017, the chairman and vice chairman of SSCI announced the committee would conduct an inquiry that would investigate, among other things, any intelligence regarding links between Russia and individuals associated with political campaigns, as well as Russian cyber activity and other “active measures” directed against the United States in connection with the 2016 election.
- b. On or about January 25, 2017, the chairman and ranking member of HPSCI announced that HPSCI had been conducting an inquiry similar to SSCI’s.
- c. On or about March 20, 2017, the then-director of the FBI testified at a HPSCI hearing and publicly disclosed that the FBI was investigating Russian interference in the 2016 election and possible links and coordination between the Trump Campaign and the Russian government.
- d. By in or around August 2017, news reports stated that a federal grand jury had opened an investigation into matters relating to Russian government efforts to interfere in the 2016 election, including possible links and coordination between the Trump Campaign and the Russian government.

STONE’s False Testimony to HPSCI

19. In or around May 2017, HPSCI sent a letter requesting that STONE voluntarily appear before the committee and produce:

Any documents, records, electronically stored information including e-mail, communication, recordings, data and tangible things (including, but not limited to, graphs, charts, photographs, images and other documents) regardless of form, other than those widely available (e.g., newspaper articles) that reasonably could lead to the discovery of any facts within the investigation’s publicly-announced parameters.

On or about May 22, 2017, STONE caused a letter to be submitted to HPSCI stating that “Mr.

Stone has no documents, records, or electronically stored information, regardless of form, other than those widely available that reasonably could lead to the discovery of any facts within the investigation's publicly-announced parameters."

20. On or about September 26, 2017, STONE testified before HPSCI in Washington, D.C. as part of the committee's ongoing investigation. In his opening statement, STONE stated, "These hearings are largely based on a yet unproven allegation that the Russian state is responsible for the hacking of the DNC and [the Clinton Campaign chairman] and the transfer of that information to [Organization 1]." STONE further stated that "[m]embers of this Committee" had made certain "assertions against me which must be rebutted here today," which included "[t]he charge that I knew in advance about, and predicted, the hacking of Clinton campaign chairman[']s email, [and] that I had advanced knowledge of the source or actual content of the [Organization 1] disclosures regarding Hillary Clinton."

21. In the course of his HPSCI testimony, STONE made deliberately false and misleading statements to the committee concerning, among other things, his possession of documents pertinent to HPSCI's investigation; the source for his early August 2016 statements about Organization 1; requests he made for information from the head of Organization 1; his communications with his identified intermediary; and his communications with the Trump Campaign about Organization 1.

STONE's False and Misleading Testimony About His Possession of Documents Pertinent to HPSCI's Investigation

22. During his HPSCI testimony, STONE was asked, "So you have no emails to anyone concerning the allegations of hacked documents . . . or any discussions you have had with third parties about [the head of Organization 1]? You have no emails, no texts, no documents whatsoever, any kind of that nature?" STONE falsely and misleadingly answered, "That is correct.

Not to my knowledge.”

23. In truth and in fact, STONE had sent and received numerous emails and text messages during the 2016 campaign in which he discussed Organization 1, its head, and its possession of hacked emails. At the time of his false testimony, STONE was still in possession of many of these emails and text messages, including:

- a. The email from STONE to Person 1 on or about July 25, 2016 that read in part, “Get to [the head of Organization 1] [a]t Ecuadorian Embassy in London and get the pending [Organization 1] emails . . . they deal with Foundation, allegedly.”;
- b. The email from STONE to Person 1 on or about July 31, 2016 that said an associate of Person 1 “should see [the head of Organization 1].”;
- c. The email from Person 1 to STONE on or about August 2, 2016 that stated in part, “Word is friend in embassy plans 2 more dumps. One shortly after I’m back. 2nd in Oct. Impact planned to be very damaging.”;
- d. Dozens of text messages and emails, beginning on or about August 19, 2016 and continuing through the election, between STONE and Person 2 in which they discussed Organization 1 and the head of Organization 1;
- e. The email from STONE on or about October 3, 2016 to the supporter involved with the Trump Campaign, which read in part, “Spoke to my friend in London last night. The payload is still coming.”; and
- f. The emails on or about October 4, 2016 between STONE and the high-ranking member of the Trump Campaign, including STONE’s statement that Organization 1 would release “a load every week going forward.”

24. By falsely claiming that he had no emails or text messages in his possession that referred to the head of Organization 1, STONE avoided providing a basis for HPSCI to subpoena records in his possession that could have shown that other aspects of his testimony were false and misleading.

STONE's False and Misleading Testimony About His Early August 2016 Statements

25. During his HPSCI testimony on or about September 26, 2017, STONE was asked to explain his statements in early August 2016 about being in contact with the head of Organization 1. STONE was specifically asked about his statement on or about August 8, 2016 that "I've actually communicated with [the head of Organization 1]," as well as his statement on or about August 12, 2016 that he was "in communication with [the head of Organization 1]" but was "not at liberty to discuss what I have."

26. STONE responded that his public references to having a means of contacting Organization 1 referred exclusively to his contact with a journalist, who STONE described as a "go-between, as an intermediary, as a mutual friend" of the head of Organization 1. STONE stated that he asked this individual, his intermediary, "to confirm what [the head of Organization 1] ha[d] tweeted, himself, on July 21st, that he ha[d] the Clinton emails and that he [would] publish them." STONE further stated that the intermediary "was someone I knew had interviewed [the head of Organization 1]. And I merely wanted confirmation of what he had tweeted on the 21st." STONE declined to tell HPSCI the name of this "intermediary" but provided a description in his testimony that was consistent with Person 2.

27. On or about October 13, 2017, STONE caused a letter to be submitted to HPSCI that identified Person 2 by name as the "gentleman who confirmed for Mr. Stone" that the head of Organization 1 had "[e]mails related to Hillary Clinton which are pending publication."

28. STONE's explanation of his August 2016 statements about communicating with the head of Organization 1 was false and misleading. In truth and in fact, the first time Person 2 interviewed the head of Organization 1 was on or about August 25, 2016, after STONE made his August 8 and August 12, 2016 public statements. Similarly, at the time STONE made his August 2016 statements, STONE had directed Person 1—not Person 2—to contact the head of Organization 1. And Person 1—not Person 2—had told STONE in advance of STONE's August 8 and August 12, 2016 public statements that "[w]ord is friend in embassy plans 2 more dumps," including one in October. At no time did STONE identify Person 1 to HPSCI as another individual STONE contacted to serve as a "go-between," "intermediary," or other source of information from Organization 1. STONE also never disclosed his exchanges with Person 1 when answering HPSCI's questioning about STONE's August 8 and August 12, 2016 statements.

STONE's False and Misleading Testimony About Requests He Made for Information from the Head of Organization 1

29. During his HPSCI testimony, STONE was asked, "[W]hat was the extent of the communication with [the intermediary]?" STONE replied, "I asked him to confirm . . . that the tweet of [the head of Organization 1] of the 21st was accurate, that they did in fact have . . . Hillary Clinton emails and that they would release them." STONE was then asked, "Did you ask [the intermediary] to communicate anything else to [the head of Organization 1]?" STONE falsely and misleadingly responded, "I did not." STONE was then asked, "Did you ask [the intermediary] to do anything on your own behalf?" STONE falsely and misleadingly responded, "I did not."

30. In truth and in fact, STONE directed both Person 1 and Person 2 to pass on requests to the head of Organization 1 for documents that STONE believed would be damaging to the Clinton Campaign. For example:

- a. As described above, on or about July 25, 2016, STONE sent Person 1 an email that

read, “Get to [the head of Organization 1] [a]t Ecuadorian Embassy in London and get the pending [Organization 1] emails . . . they deal with Foundation, allegedly.”

- b. On or about September 18, 2016, STONE sent a text message to Person 2 that said, “I am e-mailing u a request to pass on to [the head of Organization 1],” and then emailed Person 2 an article with allegations against then-candidate Clinton related to her service as Secretary of State. STONE added, “Please ask [the head of Organization 1] for any State or HRC e-mail from August 10 to August 30—particularly on August 20, 2011 that mention [the subject of the article] or confirm this narrative.”
- c. On or about September 19, 2016, STONE texted Person 2 again, writing “Pass my message . . . to [the head of Organization 1].” Person 2 responded, “I did,” and the next day Person 2, on an email blind-copied to STONE, forwarded the request to an attorney who had the ability to contact the head of Organization 1.

STONE’s False and Misleading Testimony About Communications with His Identified Intermediary

31. During his HPSCI testimony, STONE was asked repeatedly about his communications with the person he identified as his intermediary. STONE falsely and misleadingly stated that he had never communicated with his intermediary in writing in any way. During one exchange, STONE falsely and misleadingly claimed only to have spoken with the intermediary telephonically:

- Q: [H]ow did you communicate with the intermediary?
- A: Over the phone.
- Q: And did you have any other means of communicating with the intermediary?
- A: No.
- Q: No text messages, no – none of the list, right?

A: No.

Later during his testimony, STONE again falsely denied ever communicating with his intermediary in writing:

Q: So you never communicated with your intermediary in writing in any way?

A: No.

Q: Never emailed him or texted him?

A: He's not an email guy.

Q: So all your conversations with him were in person or over the phone.

A: Correct.

32. In truth and in fact, as described above, STONE and Person 2 (who STONE identified to HPSCI as his intermediary) engaged in frequent written communication by email and text message. STONE also engaged in frequent written communication by email and text message with Person 1, who also provided STONE with information regarding Organization 1.

33. Written communications between STONE and Person 1 and between STONE and Person 2 continued through STONE's HPSCI testimony. Indeed, on or about September 26, 2017—the day that STONE testified before HPSCI and denied having ever sent or received emails or text messages from Person 2—STONE and Person 2 exchanged over thirty text messages.

34. Certain electronic messages between STONE and Person 1 and between STONE and Person 2 would have been material to HPSCI. For example:

- a. In or around July 2016, STONE emailed Person 1 to “get to” the head of Organization 1 and obtain the pending emails.
- b. In or around September 2016, STONE sent messages directing Person 2 to pass a request to the head of Organization 1.
- c. On or about January 6, 2017, Person 2 sent STONE an email that had the subject

line “Back channel bs.” In the email, Person 2 wrote, “Well I have put together timelines[] and you [] said you have a back-channel way back a month before I had [the head of Organization 1] on my show . . . I have never had a conversation with [the head of Organization 1] other than my radio show . . . I have pieced it all together . . . so you may as well tell the truth that you had no back-channel or there’s the guy you were talking about early August.”

STONE’s False and Misleading Testimony About Communications with the Trump Campaign

35. During his HPSCI testimony, STONE was asked, “did you discuss your conversations with the intermediary with anyone involved in the Trump campaign?” STONE falsely and misleadingly answered, “I did not.” In truth and in fact, and as described above, STONE spoke to multiple individuals involved in the Trump Campaign about what he claimed to have learned from his intermediary to Organization 1, including the following:

- a. On multiple occasions, STONE told senior Trump Campaign officials about materials possessed by Organization 1 and the timing of future releases.
- b. On or about October 3, 2016, STONE wrote to a supporter involved with the Trump Campaign, “Spoke to my friend in London last night. The payload is still coming.”
- c. On or about October 4, 2016, STONE told a high-ranking Trump Campaign official that the head of Organization 1 had a “[s]erious security concern” but would release “a load every week going forward.”

Attempts to Prevent Person 2 from Contradicting STONE’s False Statements to HPSCI

36. On or about October 19, 2017, STONE sent Person 2 an excerpt of his letter to HPSCI that identified Person 2 as his “intermediary” to Organization 1. STONE urged Person 2, if asked by HPSCI, to falsely confirm what STONE had previously testified to, including that it was Person 2

who provided STONE with the basis for STONE's early August 2016 statements about contact with Organization 1. Person 2 repeatedly told STONE that his testimony was false and told him to correct his testimony to HPSCI. STONE did not do so. STONE then engaged in a prolonged effort to prevent Person 2 from contradicting STONE's false statements to HPSCI.

37. In or around November 2017, Person 2 received a request from HPSCI to testify voluntarily before the committee. After being contacted by HPSCI, Person 2 spoke and texted repeatedly with STONE. In these discussions, STONE sought to have Person 2 testify falsely either that Person 2 was the identified intermediary or that Person 2 could not remember what he had told STONE. Alternatively, STONE sought to have Person 2 invoke his Fifth Amendment right against self-incrimination. For example:

- a. On or about November 19, 2017, in a text message to STONE, Person 2 said that his lawyer wanted to see him (Person 2). STONE responded, "'Stonewall it. Plead the fifth. Anything to save the plan' . . . Richard Nixon.'" On or about November 20, 2017, Person 2 informed HPSCI that he declined HPSCI's request for a voluntary interview.
- b. On or about November 21, 2017, Person 2 texted STONE, "I was told that the house committee lawyer told my lawyer that I will be getting a subpoena." STONE responded, "That was the point at which your lawyers should have told them you would assert your 5th Amendment rights if compelled to appear."
- c. On or about November 28, 2017, Person 2 received a subpoena compelling his testimony before HPSCI. Person 2 informed STONE of the subpoena.
- d. On or about November 30, 2017, STONE asked Person 1 to write publicly about Person 2. Person 1 responded, "Are you sure you want to make something out of

this now? Why not wait to see what [Person 2] does. You may be defending yourself too much—raising new questions that will fuel new inquiries. This may be a time to say less, not more.” STONE responded by telling Person 1 that Person 2 “will take the 5th—but let’s hold a day.”

- e. On multiple occasions, including on or about December 1, 2017, STONE told Person 2 that Person 2 should do a “Frank Pentangeli” before HPSCI in order to avoid contradicting STONE’s testimony. Frank Pentangeli is a character in the film *The Godfather: Part II*, which both STONE and Person 2 had discussed, who testifies before a congressional committee and in that testimony claims not to know critical information that he does in fact know.
- f. On or about December 1, 2017, STONE texted Person 2, “And if you turned over anything to the FBI you’re a fool.” Later that day, Person 2 texted STONE, “You need to amend your testimony before I testify on the 15th.” STONE responded, “If you testify you’re a fool. Because of trump I could never get away with a certain [*sic*] my Fifth Amendment rights but you can. I guarantee you you are the one who gets indicted for perjury if you’re stupid enough to testify.”

38. On or about December 12, 2017, Person 2 informed HPSCI that he intended to assert his Fifth Amendment privilege against self-incrimination if required to appear by subpoena. Person 2 invoked his Fifth Amendment privilege in part to avoid providing evidence that would show STONE’s previous testimony to Congress was false.

39. Following Person 2’s invocation of his Fifth Amendment privilege not to testify before HPSCI, STONE and Person 2 continued to have discussions about the various investigations into Russian interference in the 2016 election and what information Person 2 would provide to

investigators. During these conversations, STONE repeatedly made statements intended to prevent Person 2 from cooperating with the investigations. For example:

- a. On or about December 24, 2017, Person 2 texted STONE, “I met [the head of Organization 1] for f[i]rst time this yea[r] sept 7 . . . docs prove that. . . . You should be honest w fbi . . . there was no back channel . . . be honest.” STONE replied approximately two minutes later, “I’m not talking to the FBI and if your smart you won’t either.”
- b. On or about April 9, 2018, STONE wrote in an email to Person 2, “You are a rat. A stoolie. You backstab your friends-run your mouth my lawyers are dying Rip you to shreds.” STONE also said he would “take that dog away from you,” referring to Person 2’s dog. On or about the same day, STONE wrote to Person 2, “I am so ready. Let’s get it on. Prepare to die [expletive].”
- c. On or about May 21, 2018, Person 2 wrote in an email to STONE, “You should have just been honest with the house Intel committee . . . you’ve opened yourself up to perjury charges like an idiot.” STONE responded, “You are so full of [expletive]. You got nothing. Keep running your mouth and I’ll file a bar complaint against your friend [the attorney who had the ability to contact the head of Organization 1].”

COUNT ONE
(Obstruction of Proceeding)

40. Paragraphs 1 through 39 of this Indictment are re-alleged and incorporated by reference as if fully set forth herein.

41. From in or around May 2017 through at least December 2017, within the District of Columbia and elsewhere, the defendant ROGER JASON STONE, JR., corruptly influenced, obstructed, impeded, and endeavored to influence, obstruct, and impede the due and proper exercise of the power of inquiry under which any inquiry and investigation is being had by either House, and any committee of either House and any joint committee of the Congress, to wit: STONE testified falsely and misleadingly at a HPSCI hearing in or around September 2017; STONE failed to turn over and lied about the existence of responsive records to HPSCI's requests about documents; STONE submitted and caused to be submitted a letter to HPSCI falsely and misleadingly describing communications with Person 2; and STONE attempted to have Person 2 testify falsely before HPSCI or prevent him from testifying.

All in violation of Title 18, United States Code, Sections 1505 and 2.

COUNTS TWO THROUGH SIX
(False Statements)

42. Paragraphs 1 through 39 of this Indictment are re-alleged and incorporated by reference as if fully set forth herein.

43. On or about September 26, 2017, within the District of Columbia and elsewhere, in a matter within the jurisdiction of the legislative branch of the Government of the United States, the defendant ROGER JASON STONE, JR., knowingly and willfully made and caused to be made materially false, fictitious, and fraudulent statements and representations, to wit:

Count	False Statement
2	STONE testified falsely that he did not have emails with third parties about the head of Organization 1, and that he did not have any documents, emails, or text messages that refer to the head of Organization 1.
3	STONE testified falsely that his August 2016 references to being in contact with the head of Organization 1 were references to communications with a single “go-between,” “mutual friend,” and “intermediary,” who STONE identified as Person 2.
4	STONE testified falsely that he did not ask the person he referred to as his “go-between,” “mutual friend,” and “intermediary,” to communicate anything to the head of Organization 1 and did not ask the intermediary to do anything on STONE’s behalf.
5	STONE testified falsely that he and the person he referred to as his “go-between,” “mutual friend,” and “intermediary” did not communicate via text message or email about Organization 1.
6	STONE testified falsely that he had never discussed his conversations with the person he referred to as his “go-between,” “mutual

Count	False Statement
	friend,” and “intermediary” with anyone involved in the Trump Campaign.

All in violation of Title 18, United States Code, Sections 1001(a)(2) and 2.

COUNT SEVEN
(Witness Tampering)

44. Paragraphs 1 through 39 of this Indictment are re-alleged and incorporated by reference as if fully set forth herein.

45. Between in or around September 2017 and present, within the District of Columbia and elsewhere, the defendant ROGER JASON STONE, JR., knowingly and intentionally corruptly persuaded and attempted to corruptly persuade another person, to wit: Person 2, with intent to influence, delay, and prevent the testimony of any person in an official proceeding.

All in violation of Title 18, United States Code, Section 1512(b)(1).

Robert S. Mueller, III
Special Counsel
U.S. Department of Justice

A TRUE BILL:

Foreperson

Date: January 24, 2019

EXHIBIT 4

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

DR. JEROME CORSI, Individually
Denville, NJ, 07834

Plaintiff

v.

ROGER STONE, Individually
4300 Bayview Drive
Fort Lauderdale, FL, 33308

Defendant.

Case Number:

COMPLAINT

INTRODUCTION

Plaintiff, DR. JEROME CORSI (“Plaintiff” or “Corsi”) hereby files this action against ROGER STONE (“Defendant Stone”) for Defamation, Intentional Infliction of Emotional Distress and Assault

JURISDICTION AND VENUE

1. This Court has diversity jurisdiction over this case pursuant to 28 U.S.C. § 1332, as the parties are completely diverse in citizenship and the amount in controversy exceeds \$75,000.

2. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2), (3) in that a substantial part of the events or omissions giving rise to Plaintiff Corsi’s claims arose herein.

THE PARTIES

3. Plaintiff, Dr. Jerome Corsi, is an author and political commentator who publishes works in this judicial district and nationwide. Plaintiff Corsi is a citizen of New Jersey.

4. Defendant, Roger Stone, is an individual and a citizen of Florida and a resident of

Fort Lauderdale, Florida. Defendant Stone was recently indicted by Special Counsel Robert Mueller as part of the alleged “Russian Collusion” investigation. His address is 4300 Bayview Drive, Fort Lauderdale, FL, 33308

GENERAL ALLEGATIONS

5. Defendant Stone was recently indicted by Special Counsel Robert Mueller (“Mueller Indictment”) as part of his “Russian Collusion” investigation for the alleged crimes of perjury, witness tampering and obstruction of justice. The indictment comprises seven different felony counts. *See Exhibit 1 – Mueller Indictment*. Importantly, Plaintiff Corsi was not accused of any wrongdoing or illegality in the Mueller Indictment, in which he named as Person 1, a material witness to the alleged crimes committed by Stone.

6. Specifically, the seven count Mueller Indictment against Defendant Stone involves alleged lying under oath - that is, perjury - witness tampering and obstruction of justice by threatening to kill a material witness, Randy Credico (“Credico”) and his dog if Credico did not lie to government authorities concerning his involvement with Roger Stone. Credico is Person 2 in the Mueller Indictment of Defendant Stone. *Id.* Person 1 in this Mueller Indictment is Plaintiff Corsi.

7. Even before Defendant Stone was indicted, he began a public relations campaign in this district, nationally and internationally to smear, intimidate and threaten Plaintiff Corsi, a material witness in the “Russian Collusion” investigation. Plaintiff Corsi is listed as Person 1 in the Mueller Indictment and was not indicted along with Defendant Stone, as he testified truthfully to the grand jury and in interviews.

8. To the contrary, Plaintiff Corsi has never defamed or disparaged Defendant Stone.

9. Defendant Stone knew that he was going to be indicted, and therefore began this

public relations campaign to smear, defame, intimidate and threaten Plaintiff Corsi, even before his actual indictment on January 25, 2019, in order to try to influence public opinion and Special Counsel Robert Mueller – by trying to attribute guilt to Plaintiff Corsi and not him - as well as to try to raise money for his legal defense. This pattern and practice of defaming, intimidating and threatening Plaintiff Corsi, and his legal counsel, is ongoing, so Plaintiff Corsi reserves the right to amend this Complaint.

10. Defendant Stone likes to portray himself as Mafia, frequently making reference to Mafia figures who he admires, as well as other unsavory types who have been alleged to have engaged in unethical and/or illegal behavior. He frequently makes reference to his heroes being Hyman Roth in the ‘Godfather,’ who was the movie version of Meyer Lansky, and Roy Cohn, not to mention, Richard Nixon, for his role in Watergate. In this regard, after Stone was indicted he held a press conference on the courthouse steps of the federal courthouse in Ft. Lauderdale, where he was booked, with his arms defiantly in the air in the “victory’ pose used by Nixon after he resigned in disgrace as a result of the Watergate scandal. At the time, Stone had been employed by a Nixon group called CREEP, or the Committee to Reelect the President. Defendant Stone even has a large tattoo of Richard Nixon affixed to his back. Thus, given his admiration for persons such as these, particularly Mafia figures, his actions as pled herein can be taken as threats, as well as being defamatory. And, Plaintiff Corsi is 72 years old. Defendant Stone’s intentional infliction of emotional distress and coercion and threats are intended to try even cause Plaintiff Corsi to have heart attacks and strokes, in order that Plaintiff will be unable to testify at Stone’s criminal trial. Tellingly, Defendant Stone threatened kill a material witness and his dog, Credico, Person 2 in the Mueller Indictment, “Mafia style.” Defendant Stone also fashions himself and indeed has the reputation, at a minimum, as being the preeminent “dirty

trickster.” See “Get Me Roger Stone” on Netflix.

11. Plaintiff Corsi has been named as a material witness to Defendant Stone’s upcoming prosecution, which has prompted Defendant Stone to try to intimidate, coerce and threaten Plaintiff Corsi by defaming him and threatening him with physical violence, which is ironically what he was criminally indicted for, in part.

12. By defaming Plaintiff Corsi, Defendant Stone is hoping to not only intimidate Plaintiff Corsi to severely harm and damage his reputation, but also to coerce and threaten Plaintiff Corsi to testify falsely if subpoenaed to be called as a material witness in Defendant Stone’s ensuing criminal trial. He is also trying divert funds away from Plaintiff Corsi’s legal defense fund, while boosting his own legal defense fund.

13. Defendant Stone has also used and continues to employ surrogates, either out in the open or secretly, to defame Plaintiff Corsi, such as his “friend” Michael Caputo, Alex Jones and J. Owen Stroyer of InfoWars, Cassandra Fairbanks, and reporter Chuck Ross of The Daily Caller, to name just a few. More surrogates will be identified during discovery and they may be joined, with leave of court to amend this Complaint, as defendants herein. The use of surrogates is consistent with Defendant Stone’s reputation as a “dirty trickster” who works as well under “cover of darkness” to harm and damage others who he sees for whatever reason as adversaries, political or otherwise as in the case of Plaintiff Corsi. Plaintiff Corsi is not Defendant Stone’s adversary, as he simply is committed as Person 1 in the Mueller Indictment to testify truthfully if subpoenaed to testify at Stone’s criminal trial.

14. Defendant Stone is no stranger to defamation lawsuits. As reported by Splinter News, Defendant Stone was forced to - as part of a settlement in another defamation suit – apologize in newspapers and on social media for lying about Chinese Businessman Guo Wengui

on InfoWars, after having falsely published that Mr. Wengui is a “turncoat criminal who is convicted of crimes here and in China.”¹

15. Defendant Stone has therefore engaged in illegal witness tampering and intimidation, in violation of 18 U.S.C. § 1512 by virtue of the defamatory and threatening acts and practices as alleged herein. Not coincidentally, this was what largely he was indicted for by Special Counsel Robert Mueller.

DEFENDANT STONE’S DEFAMATORY STATEMENTS

16. Before Defendant Stone was indicted, on or about January 18, 2019, he appeared on InfoWars, where he made several false, misleading and defamatory statements in this district, nationally and internationally regarding Plaintiff Corsi (the “InfoWars Video”).² The same video was published on Defendant Stone’s YouTube channel, “*Stone Cold Truth*,” on January 18, 2019.³

17. At 2:09 in the InfoWars Video, Defendant Stone falsely publishes that Plaintiff Corsi was “fired from World Net Daily.”

18. At 2:27 in the InfoWars Video, Defendant Stone falsely and misleadingly publishes that, “He (Corsi) was perfectly willing to lie, to perjure himself saying that a memo that he had wrote me was written on the 30th for the purposes of cover-up.... which is further proof that Jerry lied under oath.”

19. At 2:55 in the InfoWars Video, Defendant Stone falsely and misleadingly publishes, “and then states that I knew about John Podesta’s emails being stolen in advance, the only proof of that is Jerry’s feeble alcohol affected memory – it’s a lie...”

¹ Sophie Weiner, *Roger Stone Lied About a Chinese Businessman on InfoWars and Now He Has to Tell Everyone*, Splinter News, Dec. 17, 2018, available at: <https://splinternews.com/roger-stone-lied-about-a-chinese-businessman-on-infowar-1831162926>

² <https://www.infowars.com/watch/?video=5c3fbf24fe49383dcf6996e4>

³ <https://www.youtube.com/watch?v=cJyfgdvtFx8>

20. At 3:35 in the InfoWars Video, Defendant Stone falsely and misleadingly publishes that “Jerry was prepared to stab a principle Trump supporter in the back, he was perfectly prepared to bear false witness against me, even though I had done nothing in my entire life other than help him.”

21. At 4:20 in the InfoWars Video, Defendant Stone falsely and misleadingly publishes that “all I ever did was show Jerry Corsi friendship and support and try to help him and his family and what I get is Judas Iscariot, the willingness to testify against me and help the deep state bury me....and then he makes up this story about helping me formulate a cover story.”

22. At 6:26 in the InfoWars Video, Defendant Stone falsely publishes that “you can always tell when Jerry Corsi is lying because his lips are moving....”

23. Defendant Stone made these false, misleading and defamatory statements with malice and with full knowledge that they were false and misleading, and/or at a minimum, with a reckless disregard for its truthfulness. These statements falsely and misleadingly state that Plaintiff Corsi was fired from World Net Daily, that he committed perjury (a federal offense), and that he is an untruthful person.

24. On January 2, 2019, Defendant Stone published an article on www.infowars.com titled “*ROGER STONE BELIEVES JEROME CORSI WORKS FOR MUELLER*”⁴ in which Defendant Stone falsely, misleadingly, and maliciously writes, “Before you decide that Corsi is a hero you should be well aware of the fact that the good doctor was prepared to bear false witness against others in the Trump orbit if he thought it would save his own skin.”

25. Defendant Stone made these false, misleading and defamatory statements with malice and with full knowledge that they were false and misleading, and/or at a minimum, with a reckless disregard for its truthfulness. These statements falsely and misleadingly state that

⁴ <https://www.infowars.com/roger-stone-the-treachery-of-jerome-corsi/>

Plaintiff Corsi committed perjury (a federal offense), and that he is an untruthful person.

26. In another appearance on InfoWars, which was posted to YouTube⁵ on January 17, 2019, Defendant Stone at 6:22 falsely and misleadingly publishes that “He [Corsi] was perfectly willing to bear false witness against me on multiple points that are complete fabrications.”

27. In another appearance on InfoWars, which was posted to YouTube⁶ on January 24, 2019, Defendant Stone at 5:58 falsely and misleadingly publishes that “the good doctor [Corsi] has told a number of lies. In fact, he’s starting to conflate his lies.... he was perfectly willing to lie about me.... but now lying about Alex Jones, lying about InfoWars, lying about Dr. Jones, who’s one of the nicest, gentlest, sweetest, most honest men I have ever met, it’s beyond the pale.... Jerry Corsi can no longer be believed.”

28. In the same appearance, Defendant Stone at 8:34 falsely and misleadingly publishes that, “I think you’ve [Corsi] been deep state from the beginning. Your whole birther thing is used as a club to destroy conservatives....I look forward to our confrontation. I will demolish you. You’re a fraudster, out of your alcoholic haze you have made up lies about David Jones and Alex Jones and Roger Stone and now I suspect they want you to lie about the President.” This is clearly a threat, as well as being defamatory. It is akin to the threats against Person 2 in the Mueller Indictment, Randy Credico, who Defendant Stone, as set forth in the Mueller Indictment, based on Stone’s own words contained in his own documentary evidence, threatened kill along with Credico’s dog.

29. Defendant Stone made these false, misleading and defamatory statements with malice and with full knowledge that they were false and misleading, and/or at a minimum, with a

⁵ <https://www.youtube.com/watch?v=GJd8YBDvm1Q>

⁶ <https://www.youtube.com/watch?v=fXUIJZRxe6E>

reckless disregard for their truthfulness. These statements falsely and misleadingly state that Plaintiff Corsi committed perjury (a federal offense), is an untruthful person, and is an alcoholic. They also contain threats against Plaintiff Corsi.

FIRST CAUSE OF ACTION
Defamation

30. Plaintiff re-alleges and incorporates by reference the allegations in the preceding paragraphs of the Complaint as if fully set forth herein.

31. Defendant Stone published malicious, false, misleading and defamatory statements of and concerning Plaintiff Corsi in this judicial district, nationwide, and worldwide.

32. These false and misleading statements were published with malice, as Defendant Stone knew that they were false and misleading, or at a minimum acted with a reckless disregard for the truth.

33. Plaintiff Corsi has been severely harmed and damaged by these false and misleading statements because they subjected him to hatred, distrust, ridicule, contempt, and disgrace.

34. Plaintiff Corsi has been damaged by these false and misleading statements because they injured Plaintiff Corsi in his profession and business as a journalist and author, whose credibility is the most important trait, as well as severely injured and damaged him personally.

SECOND CAUSE OF ACTION
Defamation Per Se

35. Plaintiff re-alleges and incorporates by reference the allegations in the preceding paragraphs of the Complaint as if fully set forth herein.

36. Defendant Stone, as alleged herein, published numerous false, misleading and

defamatory statements to severely harm and damage Plaintiff Corsi, which were republished elsewhere, and through surrogates, which publish the falsity that Plaintiff Corsi has committed crimes, including perjury, and engaged in moral turpitude in the form of alcoholism, as set forth in the preceding paragraphs.

37. These false, misleading and defamatory statements were published in this district and on the internet and elsewhere, domestically and for the entire world to see and hear and specifically Stone published false and misleading facts, *inter alia*, that Plaintiff's conduct, characteristics or a condition is incompatible with the proper exercise of his lawful business, trade, profession or office.

38. These false and misleading statements were published with malice, as Defendant Stone knew that they were false and misleading, and/or at a minimum acted with a reckless disregard for the truth.

39. This statements are *per se* defamatory because they falsely and misleadingly publish that Plaintiff Corsi committed perjury, which is a federal offense and felony. Defamation *per se* gives rise to the presumption that severe harm and damage has arisen by virtue of the false and misleading statements.

40. These false, misleading, and defamatory statements are defamatory *per se* and these false and misleading statements severely harmed and damaged Plaintiff Corsi in his profession and business as a journalist and author, whose credibility is the most important trait, as well as personally.

THIRD CAUSE OF ACTION
Defamation by Implication

41. Plaintiff re-alleges and incorporates by reference the allegations in the preceding paragraphs of the Complaint as if fully set forth herein.

42. Defendant Stone published numerous false, misleading and defamatory statements about Plaintiff Corsi, as set forth in the preceding paragraphs.

43. These false, misleading and defamatory statements were published on the internet and published and republished elsewhere in this district, domestically and for the entire world to see and hear.

44. These false and misleading statements were published with malice, as Defendant Stone knew that they were false and misleading, and/or at a minimum acted with a reckless disregard for the truth.

45. These statements created the false and misleading implication that Plaintiff Corsi is dishonest, committed perjury and is an alcoholic, among other false and misleading statements as pled in the preceding paragraphs.

46. Plaintiff Corsi has been severely harmed and damaged by these false and misleading statements because they subject him to hatred, distrust, ridicule, contempt, and disgrace.

47. Plaintiff Corsi has been damaged by these false and misleading statements because the statements severely harmed and damaged Plaintiff Corsi in his profession as a journalist and author, whose credibility is the most important trait, as well as personally.

FOURTH CAUSE OF ACTION
Intentional Infliction of Emotional Distress

48. Plaintiff re-alleges and incorporates by reference the allegations in the preceding paragraphs of the Complaint as if fully set forth herein.

49. Defendant Stone engaged in extreme and outrageous conduct by threatening Plaintiff Corsi, in concert with Stone, who has made death threats to at least one witness involved in Special Counsel Mueller's Russian collusion investigation, Person 2 Randy Credico.

50. Defendant Stone knowingly and intentionally threatened Plaintiff Corsi, in a manner similar to other death threats he made to at least one material witness, involved in Special Counsel Mueller's Russian collusion investigation, such as Randy Credico, Person 2 in the Mueller Indictment.

51. Defendant Stone's extreme and outrageous conduct directly caused Plaintiff Corsi severe emotional distress and resulting severe harm and damage.

FIFTH CAUSE OF ACTION
Assault

52. Plaintiff re-alleges and incorporates by reference the allegations in the preceding paragraphs of the Complaint as if fully set forth herein.

53. Defendant Stone placed Plaintiff Corsi in apprehension of an imminent harmful or offensive contact and physical harm and death, by coercing and threatening Plaintiff Corsi, in a similar manner he has used to make death threats to at least one material witness involved in Special Counsel Mueller's Russian collusion investigation, such as Person 2 in the Mueller Indictment, Randy Credico.

54. The threats issued by Defendant Stone are credible, as he portrays himself as a "mafia" figure, as set forth above.

55. Plaintiff Corsi did not consent to Defendant Stone's conduct.

56. As a direct and proximate result of Defendant Stone's wrongful conduct, Plaintiff Corsi suffered conscious pain, suffering, severe emotional distress and the fear of imminent serious bodily injury or death, and other mental and physical injuries, and Plaintiff was severely harmed and damaged thereby.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Dr. Jerome Corsi prays for judgment against Defendant Stone as

follows:

- a. Awarding Plaintiff Corsi compensatory including actual, consequential, incidental and punitive damages for malicious tortious conduct in an amount to be determined at trial and in excess of \$25, 000,000 U.S. Dollars. While Stone feigns being financially destitute as a result of his legal problems and uses this to raise money for his legal defense fund, on information and belief he is wealthy, perhaps hiding his wealth in overseas bank accounts.
- b. Awarding Plaintiff Corsi attorney's fees and costs.
- c. Granting any further relief as the Court deems appropriate including preliminary and permanent injunctive relief, as well as the entry of a gag order against Defendant Stone in his criminal prosecution before this Court in order that he be prevented from intimidating, coercing and threatening material witnesses, such as Plaintiff Corsi, who are likely to be subpoenaed to testify at his trial. In this regard, Plaintiff Corsi will also, with leave of court requested, file an amicus brief arguing for a gag order on Defendant Stone in the related criminal case *United States of America v. Stone*, 19-cr-18 (D.D.C).

Dated: February 7, 2019

Respectfully Submitted,

/s/ Larry Klayman
Larry Klayman, Esq.
KLAYMAN LAW GROUP, P.A.
D.C. Bar Number: 334581
2020 Pennsylvania Ave NW #800
Washington, DC, 20006
Telephone: (310)-595-0800
Email: leklayman@gmail.com
Counsel for Plaintiff

EXHIBIT 5



Oliver Peer <oliver.peerfw@gmail.com>

Indictment of Roger Stone and Plea Agreement and Criminal Judgment

Larry Klayman <leklayman@gmail.com>

Tue, Feb 5, 2019 at 1:37 PM

To: thomas_barbeau@ohsp.uscourts.gov

Cc: Oliver Peer <oliver.peerfw@gmail.com>, leklayman <leklayman@gmail.com>

Officer Barbeau:

As set forth in the mail which I just sent to you, attached is the Stone indictment, which lists my client Dr. Jerome Corsi, as Person 1 and thus a material witness to the upcoming criminal prosecution of Roger Stone.

In addition to the crime of perjury before the DC government under 18 U.S.C. 1001 which Mr. Santilli is furthering in concert with Stone, his actions amount to obstructing a federal criminal prosecution, by attempting to harm me, the lawyer for Dr. Corsi, a material witness, and thus Dr. Corsi himself. In this regard, Stone has literally been on a public relations campaign against Dr. Corsi, for which he is likely to soon be gagged by the presiding Judge Amy Berman Jackson, and Mr. Santilli has now been collaborating with Stone to further this witness tampering and obstruction of justice. This criminal activity is akin to the crimes for which he pled guilty in the U.S. District Court for the District of Nevada, where he was charged and convicted of 'The elements of Conspiracy to Impede or Injure a Federal Office in violation of Title 18, United States Code, Section 372, at page 3 of the attached Plea Agreement. Here, Mr. Santilli, in conjunction with Stone, is seeking to impede and obstruct a federal criminal prosecution of Stone, all for his own profit.

I look forward to hearing from you.

Sincerely,

Larry Klayman, Esq.

----- Forwarded message -----

From: **Oliver Peer** <oliver.peerfw@gmail.com>

Date: Tue, Feb 5, 2019 at 1:24 PM

Subject: Indictment of Roger Stone and Plea Agreement and Criminal Judgment

To: Larry Klayman <leklayman@gmail.com>

3 attachments

**Santilli Judgment.pdf**

383K

**Santilli Plea Agreement.pdf**

538K



Oliver Peer <oliver.peerfw@gmail.com>

Fwd: Fwd: The Pete Santilli Show ? Raw ? Real ? Independent

Larry Klayman <leklayman@gmail.com>

Wed, Feb 6, 2019 at 9:34 AM

To: Oliver Peer <oliver.peerfw@gmail.com>, leklayman <leklayman@gmail.com>

On Wed, Feb 6, 2019, 6:53 AM <Thomas_Barbeau@ohsp.uscourts.gov> wrote:

Mr. Klayman,

Thank you for your email. The information you provided in this, as well as your subsequent email of February 5, 2019, is being reviewed.

Sincerely,

Thomas A. Barbeau
United States Probation Officer
Southern District of Ohio
(513) 564-7564

From: Larry Klayman <leklayman@gmail.com>
To: thomas_barbeau@ohsp.uscourts.gov,
Cc: leklayman <leklayman@gmail.com>
Date: 02/05/2019 04:18 PM
Subject: Fwd: The Pete Santilli Show – Raw ● Real ● Independent

Dear Mr. Barbeau:

I called earlier today and spoke with your intake officer Ms. Marquita Howard.

The call concerned Mr. Peter T. Santilli, who I understand is under your supervision in conjunction with his two year probation concerning his guilty plea in United States v. Peter T. Santilli, Jr., Case no. 2;16-cr-00046-GM-PAL-5 in the U.S. District Court for the District of Nevada.

The Standard Conditions of Supervision, of which you are charged as his probation officer, reads in pertinent part:

"8. You are not to communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.

As you can see from the link to Mr. Santilli's website, he has been working with and in contact with Roger Stone, who was recently indicted by Special Counsel Robert Mueller for engaging in on-going criminal activity including but not limited to perjury and threatening a material witness, Randy Credico and his dog, with death, all in furtherance of witness tampering and obstruction of justice.

In this regard, and I will forward a copy of the Stone indictment, which has garnered much national and international attention, he has defamed and threatened me, an attorney for another material witness as set forth as Person 1 in the Stone indictment, by working in concert with the criminal defendant Roger Stone. In this regard, not only has Santilli published false and defamatory statements on his website about me, which will result in litigation in the next days, but he has made demonstrably false statements to the Office of Disciplinary Counsel of the DC Bar, which is a government agency. Mr. Santilli's false statements to this government agency, thus constitute perjury actionable under 18 U.S.C 1001, as the District of Columbia is a federal enclave. Thus, Mr. Santilli is in the act of committing crimes, in concert with Stone.

The obvious underlying reason for this is that Mr. Santilli, whose radio talk show status was interrupted during the years that he was incarcerated, is using Stone to regain his standing and boost his listenership and viewership, all for profit.

I thus respectfully request that this serious matter be investigated and I am willing to file a formal complaint with your office against Mr. Santilli, in addition to the civil complaint that I will be filing.

PLEASE CONTACT ME IMMEDIATELY IN ORDER THAT THIS MATTER CAN PROCEED EXPEDITIOUSLY AS MR. SANTILLI IS CONTINUING WITH HIS ILLEGAL CONDUCT, ALL OF WHICH I WILL DOCUMENT FURTHER FOR YOU.

Sincerely,

Larry Klayman, Esq.
Founder of Judicial Watch and Freedom Watch
Private Counsel to Dr. Jerome Corsi

----- Forwarded message -----

From: **Larry Klayman** <leklayman@gmail.com>

Date: Tue, Feb 5, 2019 at 12:55 PM

Subject: The Pete Santilli Show – Raw ● Real ● Independent

To: Larry Klayman <leklayman@gmail.com>, Ethan Stone <ethan@renewamerica.com>

<https://thepetesantillishow.com/>

Pl be sure u copy anything about me off and also Corsi and stone



Oliver Peer <oliver.peerfw@gmail.com>

Fwd:

Larry Klayman <leklayman@gmail.com>

Wed, Feb 6, 2019 at 12:41 PM

To: thomas_barbeau@ohsp.uscourts.gov

Cc: leklayman <leklayman@gmail.com>, Oliver Peer <oliver.peerfw@gmail.com>

Officer Barbeau:

This video links Santilli to Roger Stone and shows he collaboration with him. In it he defames me, the lawyer of a material witness, Dr. Jerome Corsi, in Stone's prosecution.

I have demanded that this be taken down but to no avail and Santilli's violation of the probation agreement and false statements to the public and the DC government continue.

I respectfully request that this be addressed by you on an expedited basis before more harm is done to my client and me, and even more importantly the administration of justice, which Santilli is attempting to again obstruct. He pled guilty to similar crimes in the Bundy prosecution.

This is an urgent matter. Pl call me at 310 595 0800. We need your immediate attention. As you may know I am the founder of Judicial Watch and Freedom Watch and I prefer to work through you rather than to go our national headquarters in Washington, D.C. at this time.

Thank you for your courtesy and immediate attention to this serious matter.

Larry Klayman, Esq.
Counsel to Dr. Jerome Corsi

----- Forwarded message -----

From: **Stephen Bogorad** <sab@bogoradrichards.com>

Date: Wed, Feb 6, 2019 at 10:18 AM

Subject:

To: Larry Klayman (leklayman@gmail.com) <leklayman@gmail.com>

https://www.youtube.com/watch?v=WlkpiK_Gk8A

Stephen A. Bogorad

Bogorad & Richards pLLC

209 madison street, ste 501

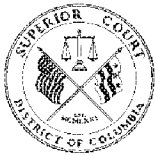
Alexandria, Virginia 22314

(703) 457-7820 (Main)

(703) 457-7822 (Direct)

sab@bogoradrichards.com

-



Superior Court of the District of Columbia
CIVIL DIVISION
Civil Actions Branch
500 Indiana Avenue, N.W., Suite 5000 Washington, D.C. 20001
Telephone: (202) 879-1133 Website: www.dccourts.gov

Larry Klayman

Plaintiff

vs.

Case Number 2019 CA 000896 B

Peter Santilli

Defendant

SUMMONS

To the above named Defendant:

You are hereby summoned and required to serve an Answer to the attached Complaint, either personally or through an attorney, within twenty one (21) days after service of this summons upon you, exclusive of the day of service. If you are being sued as an officer or agency of the United States Government or the District of Columbia Government, you have sixty (60) days after service of this summons to serve your Answer. A copy of the Answer must be mailed to the attorney for the plaintiff who is suing you. The attorney's name and address appear below. If plaintiff has no attorney, a copy of the Answer must be mailed to the plaintiff at the address stated on this Summons.

You are also required to file the original Answer with the Court in Suite 5000 at 500 Indiana Avenue, N.W., between 8:30 a.m. and 5:00 p.m., Mondays through Fridays or between 9:00 a.m. and 12:00 noon on Saturdays. You may file the original Answer with the Court either before you serve a copy of the Answer on the plaintiff or within seven (7) days after you have served the plaintiff. If you fail to file an Answer, judgment by default may be entered against you for the relief demanded in the complaint.

Larry Klayman

Name of Plaintiff's Attorney

2020 Pennsylvania Ave

Address

#800, Washington, DC, 20006

310-595-0800

Telephone

如需翻译,请打电话 (202) 879-4828

Veuillez appeler au (202) 879-4828 pour une traduction

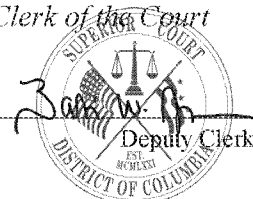
Để có một bản dịch, hãy gọi (202) 879-4828

번역을 원하 시면, (202) 879-4828로 전화주세요

የአማርኛ ትርጉም ለማግኘት (202) 879-4828 ይደውሉ

Clerk of the Court

By



Deputy Clerk

Date

02/12/2019

IMPORTANT: IF YOU FAIL TO FILE AN ANSWER WITHIN THE TIME STATED ABOVE, OR IF, AFTER YOU ANSWER, YOU FAIL TO APPEAR AT ANY TIME THE COURT NOTIFIES YOU TO DO SO, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY DAMAGES OR OTHER RELIEF DEMANDED IN THE COMPLAINT. IF THIS OCCURS, YOUR WAGES MAY BE ATTACHED OR WITHHELD OR PERSONAL PROPERTY OR REAL ESTATE YOU OWN MAY BE TAKEN AND SOLD TO PAY THE JUDGMENT. IF YOU INTEND TO OPPOSE THIS ACTION, DO NOT FAIL TO ANSWER WITHIN THE REQUIRED TIME.

If you wish to talk to a lawyer and feel that you cannot afford to pay a fee to a lawyer, promptly contact one of the offices of the Legal Aid Society (202-628-1161) or the Neighborhood Legal Services (202-279-5100) for help or come to Suite 5000 at 500 Indiana Avenue, N.W., for more information concerning places where you may ask for such help.

See reverse side for Spanish translation

Vea al dorso la traducción al español



SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION
Civil Actions Branch
500 Indiana Avenue, N.W., Suite 5000, Washington, D.C. 20001
Telephone: (202) 879-1133 • Website: www.dccourts.gov

LARRY KLAYMAN
Vs.
PETER T SANTILLI

C.A. No. 2019 CA 000896 B

INITIAL ORDER AND ADDENDUM

Pursuant to D.C. Code § 11-906 and District of Columbia Superior Court Rule of Civil Procedure (“Super. Ct. Civ. R.”) 40-I, it is hereby **ORDERED** as follows:

(1) Effective this date, this case has assigned to the individual calendar designated below. All future filings in this case shall bear the calendar number and the judge’s name beneath the case number in the caption. On filing any motion or paper related thereto, one copy (for the judge) must be delivered to the Clerk along with the original.

(2) Within 60 days of the filing of the complaint, plaintiff must file proof of serving on each defendant: copies of the summons, the complaint, and this Initial Order and Addendum. As to any defendant for whom such proof of service has not been filed, the Complaint will be dismissed without prejudice for want of prosecution unless the time for serving the defendant has been extended as provided in Super. Ct. Civ. R. 4(m).

(3) Within 21 days of service as described above, except as otherwise noted in Super. Ct. Civ. R. 12, each defendant must respond to the complaint by filing an answer or other responsive pleading. As to the defendant who has failed to respond, a default and judgment will be entered unless the time to respond has been extended as provided in Super. Ct. Civ. R. 55(a).

(4) At the time and place noted below, all counsel and unrepresented parties shall appear before the assigned judge at an initial scheduling and settlement conference to discuss the possibilities of settlement and to establish a schedule for the completion of all proceedings, including, normally, either mediation, case evaluation, or arbitration. Counsel shall discuss with their clients **prior** to the conference whether the clients are agreeable to binding or non-binding arbitration. **This order is the only notice that parties and counsel will receive concerning this Conference.**

(5) Upon advice that the date noted below is inconvenient for any party or counsel, the Quality Review Branch (202) 879-1750 may continue the Conference **once**, with the consent of all parties, to either of the two succeeding Fridays. Request must be made not less than seven business days before the scheduling conference date.

No other continuance of the conference will be granted except upon motion for good cause shown.

(6) Parties are responsible for obtaining and complying with all requirements of the General Order for Civil cases, each judge’s Supplement to the General Order and the General Mediation Order. Copies of these orders are available in the Courtroom and on the Court’s website <http://www.dccourts.gov/>.

Chief Judge Robert E. Morin

Case Assigned to: Judge JOHN M CAMPBELL
Date: February 12, 2019
Initial Conference: 9:30 am, Friday, May 17, 2019
Location: Courtroom 519
500 Indiana Avenue N.W.
WASHINGTON, DC 20001

ADDENDUM TO INITIAL ORDER AFFECTING ALL MEDICAL MALPRACTICE CASES

In accordance with the Medical Malpractice Proceedings Act of 2006, D.C. Code § 16-2801, et seq. (2007 Winter Supp.), "[a]fter an action is filed in the court against a healthcare provider alleging medical malpractice, the court shall require the parties to enter into mediation, without discovery or, if all parties agree[,] with only limited discovery that will not interfere with the completion of mediation within 30 days of the Initial Scheduling and Settlement Conference ("ISSC"), prior to any further litigation in an effort to reach a settlement agreement. The early mediation schedule shall be included in the Scheduling Order following the ISSC. Unless all parties agree, the stay of discovery shall not be more than 30 days after the ISSC." D.C. Code § 16-2821.

To ensure compliance with this legislation, on or before the date of the ISSC, the Court will notify all attorneys and *pro se* parties of the date and time of the early mediation session and the name of the assigned mediator. Information about the early mediation date also is available over the internet at <https://www.dccourts.gov/pa/>. To facilitate this process, all counsel and *pro se* parties in every medical malpractice case are required to confer, jointly complete and sign an EARLY MEDIATION FORM, which must be filed no later than ten (10) calendar days prior to the ISSC. D.C. Code § 16-2825 Two separate Early Mediation Forms are available. Both forms may be obtained at www.dccourts.gov/medmalmediation. One form is to be used for early mediation with a mediator from the multi-door medical malpractice mediator roster; the second form is to be used for early mediation with a private mediator. Both forms also are available in the Multi-Door Dispute Resolution Office, Suite 2900, 410 E Street, N.W. Plaintiff's counsel is responsible for eFiling the form and is required to e-mail a courtesy copy to earlymedmal@dcsc.gov. *Pro se* Plaintiffs who elect not to eFile may file by hand in the Multi-Door Dispute Resolution Office.

A roster of medical malpractice mediators available through the Court's Multi-Door Dispute Resolution Division, with biographical information about each mediator, can be found at www.dccourts.gov/medmalmediation/mediatorprofiles. All individuals on the roster are judges or lawyers with at least 10 years of significant experience in medical malpractice litigation. D.C. Code § 16-2823(a). If the parties cannot agree on a mediator, the Court will appoint one. D.C. Code § 16-2823(b).

The following persons are required by statute to attend personally the Early Mediation Conference: (1) all parties; (2) for parties that are not individuals, a representative with settlement authority; (3) in cases involving an insurance company, a representative of the company with settlement authority; and (4) attorneys representing each party with primary responsibility for the case. D.C. Code § 16-2824.

No later than ten (10) days after the early mediation session has terminated, Plaintiff must eFile with the Court a report prepared by the mediator, including a private mediator, regarding: (1) attendance; (2) whether a settlement was reached; or, (3) if a settlement was not reached, any agreements to narrow the scope of the dispute, limit discovery, facilitate future settlement, hold another mediation session, or otherwise reduce the cost and time of trial preparation. D.C. Code § 16-2826. Any Plaintiff who is *pro se* may elect to file the report by hand with the Civil Actions Branch. The forms to be used for early mediation reports are available at www.dccourts.gov/medmalmediation.

Chief Judge Robert E. Morin